

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
May 07, 2015

[LB72A LB72 LB80 LB85 LB89A LB89 LB132 LB141 LB141E LB195 LB240 LB253 LB264
LB285 LB287 LB291 LB294 LB296 LB310 LB317 LB329 LB348 LB375 LB390 LB408
LB412 LB414 LB422 LB424 LB449 LB458 LB468 LB479 LB511 LB512 LB513 LB515
LB519A LB519 LB525 LB541 LB561 LB565 LB566A LB566 LB575 LB610A LB610 LB629
LB640 LB643 LB657 LB661 LB662 LB664 LR31CA LR209 LR210 LR219 LR220 LR221
LR224 LR225 LR247 LR249 LR250]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: GOOD MORNING, LADIES AND GENTLEMEN, AND WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE SEVENTY-SEVENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS SENATOR CRAWFORD. PLEASE RISE.

SENATOR CRAWFORD: (PRAYER OFFERED.)

SENATOR GLOOR: THANK YOU, SENATOR CRAWFORD. I CALL TO ORDER THE SEVENTY-SEVENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. SENATORS, I WOULD ASK YOU TO HIT YOUR "PRESENT" BUTTON AGAIN, PLEASE. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

SENATOR GLOOR: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

SENATOR GLOOR: ARE THERE ANY ANNOUNCEMENTS, MESSAGES, REPORTS?

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB294, LB566, LB566A, LB575, LB629 AS CORRECTLY ENGROSSED. I HAVE AN ATTORNEY GENERAL'S OPINION ADDRESSED TO SENATOR MELLO. (RE LB657, LB661, LB662.) RESOLUTION, SENATOR COASH, LR249, CALLING FOR AN INTERIM STUDY. SENATOR SCHUMACHER WOULD LIKE TO PRINT AN AMENDMENT TO LB285. I HAVE LOBBY REPORT, AS REQUIRED BY STATUTE, AND ACKNOWLEDGMENT OF AGENCY REPORTS RECEIVED AND AVAILABLE FOR

Floor Debate
May 07, 2015

MEMBER REVIEW ON THE LEGISLATIVE WEB SITE. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1477-1485.) [LB294 LB566 LB566A LB575 LB629 LB657 LB661 LB662 LR249 LB285]

SENATOR GLOOR: THANK YOU, MR. CLERK. (VISITORS INTRODUCED.) MR. SPEAKER, YOU'RE RECOGNIZED.

SPEAKER HADLEY: MR. PRESIDENT, I'D LIKE TO MAKE A COUPLE ANNOUNCEMENTS TO THE BODY. IN JUST A FEW MINUTES YOU'LL BE GETTING THE FOLLOWING E-MAIL, IF YOU HAVEN'T GOTTEN IT ALREADY. IT STATES: AT THIS POINT WE HAVE COMPLETED THREE DAYS OF THE TRIAL PERIOD OF WORKING THROUGH LUNCH AND ADJOURNING AROUND 7:00 P.M. AS I INDICATED UP-FRONT, I AM ASKING FOR YOUR INPUT AS TO THE SUCCESS OF THIS NEW SCHEDULE BEFORE DETERMINING HOW WE WILL PROCEED FOR THE REMAINDER OF THE 2015 SESSION. PLEASE SEND ME AN E-MAIL BY THE END OF FRIDAY INDICATING IF YOU WOULD LIKE TO CONTINUE WORKING THROUGH LUNCH, ALLOWING AN EARLY ADJOURNMENT TIME; OR IF YOU WOULD LIKE TO RETURN TO A 90-MINUTE LUNCH RECESS WITH A LATE-NIGHT ADJOURNMENT FROM ANYWHERE FROM 8:30 TO MIDNIGHT. AND IF YOU ARE IN SUPPORT OF WORKING THROUGH THE LUNCH HOUR, PLEASE LET ME KNOW IF YOU WOULD RECOMMEND ANY CHANGES. I WILL REVIEW AND EVALUATE YOUR COMMENTS OVER THE WEEKEND. NEXT TUESDAY I WILL ANNOUNCE THE SCHEDULE THAT WE WILL ADOPT FOR THE REMAINDER OF THE 2015 SCHEDULE, BASED UPON YOUR INPUT. TO GIVE ME TIME TO EVALUATE YOUR INPUT, WE WILL CONTINUE TO FOLLOW THE WORKING THROUGH LUNCH SCHEDULE FOR NEXT TUESDAY, MAY 12, AND THEN ADJOURN BY 7:00 ON TUESDAY. SECONDLY, YOU NOTICE THAT THE FIRST ITEM WE HAVE IS A MOTION TO SUSPEND THE RULES. AND JUST SO YOU KNOW, AT 10:00 WE EITHER HAVE AN UP OR DOWN VOTE ON THAT MOTION, BECAUSE AT 10:00 WE WILL GO TO FINAL READING. THANK YOU, MR. PRESIDENT.

SENATOR GLOOR: THANK YOU, MR. SPEAKER. MR. CLERK, WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA.

CLERK: MR. PRESIDENT, JUST AN ANNOUNCEMENT: RETIREMENT SYSTEMS WILL MEET IN EXECUTIVE SESSION NOW IN ROOM 2022. MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO SUSPEND THE RULES, SPECIFICALLY RULE 5, SECTION 4(C), TO PERMIT THE INTRODUCTION OF REQUEST NUMBER 3103.

Floor Debate
May 07, 2015

SENATOR GLOOR: THANK YOU, MR. CLERK. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION TO SUSPEND.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, A COPY HAS BEEN PLACED ON YOUR DESK OF THE SIGNIFICANT LANGUAGE IN THIS BILL THAT IS BEING OFFERED. TO LET YOU KNOW WHY IT'S BEING OFFERED, I WILL SAY A FEW WORDS. THE OIL AND GAS COMMISSION HAS SHOWN A BLATANT AND ALMOST CONTEMPTUOUS DISREGARD FOR THE LEGISLATURE IN GENERAL AND A NUMBER OF OUR COLLEAGUES IN PARTICULAR WHO WROTE A LETTER TRYING TO APPROACH THEM. I HAVE MADE MY PERSONAL VIEWS CLEAR. THIS BILL THIS MORNING WILL NOT BE A VEHICLE FOR A LENGTHY DISCUSSION/DEBATE ABOUT THE WORK DONE BY THE OIL AND GAS COMMISSION, ALL OF THE RAMIFICATIONS OF THE FRACKING PROCESS ITSELF, THE HARM THAT MAY BE INHERENT IN THE DUMPING OF THIS WASTE MATERIAL, THE CONTENTS OF WHICH MAY NOT EVER BE KNOWN. THOSE ISSUES ARE NOT TO BE RESOLVED IN THIS DISCUSSION OR EVEN WITH THIS BILL THE WAY IT IS DRAFTED. I WANTED THERE TO BE SOME SPECIFIC FORMAL ACTION TAKEN BY THE LEGISLATURE TO SERVE NOTICE, NOT JUST TO THE OIL AND GAS COMMISSION BUT TO THE PEOPLE OF THE STATE WHO HAVE SHOWN GREAT INTEREST AND CONCERN ABOUT THIS MATTER, THAT THE LEGISLATURE IS NOT IGNORING THEM OR THE ISSUE, THAT THE LEGISLATURE COULD NOT DICTATE TO THE OIL AND GAS COMMISSION WHAT DECISION THEY OUGHT TO HAVE MADE. SENATOR SCHILZ'S COMMITTEE ALREADY IS GOING TO HAVE A HEARING OR HEARINGS THIS INTERIM ON ALL OF THE RAMIFICATIONS, ALL OF THE ASPECTS, ALL OF THE INTERRELATED AND EVEN SOME MAYBE NONRELATED ISSUES THAT HAVE GROWN OUT OF THE POSSIBLE DUMPING OF THIS WASTE MATERIAL IN THE STATE OF NEBRASKA. SO THE BILL WAS DRAFTED WITH A MINIMUM AMOUNT OF VERBIAGE. IT IS VERY BROAD IN WHAT IT STATES TO INDICATE THAT--PARDON THE EXPRESSION--THE WATERFRONT IS BEING COVERED. BUT THERE ARE CONSIDERATIONS OF HOW SO-CALLED PROPRIETARY INFORMATION OUGHT TO BE HANDLED, AND THAT IS NOT TOUCHED ON BY THIS BILL. SO I DON'T WANT ANYBODY TO PANIC. WHAT WILL HAPPEN IS THAT THE BILL WILL BE ASSIGNED A NUMBER, OBVIOUSLY. IT WILL BE REFERRED BY THE EXECUTIVE BOARD TO THE APPROPRIATE COMMITTEE WHICH PROBABLY IS SENATOR SCHILZ'S PUBLIC WORKS COMMITTEE--IS THAT WHAT THEY STILL CALL IT--RESOURCE...NATURAL RESOURCES, PUBLIC WORKS MANY YEARS AGO WHEN I WAS ON THAT COMMITTEE. THEY WILL HAVE A HEARING--AND SENATOR SCHILZ CAN ADDRESS THIS--WITH VERY TIGHTLY RESTRICTED AND RESTRICTIVE TIME LIMITS. I WILL INTRODUCE THE BILL. IF THERE ARE PEOPLE IN THE AUDIENCE, THEY WILL KNOW THAT I'M--IF YOU ALLOW ME TO SAY THIS--ON THEIR SIDE.

Floor Debate
May 07, 2015

BUT WE HAVE TO LOOK AT THE PRACTICALITIES AND REALITIES OF A LEGISLATIVE SESSION, SO A HEARING IS NECESSARY. BUT THIS CANNOT BE A WIDE-RANGING, TIME-CONSUMING HEARING. IT COMPLIES WITH THE REQUIREMENT OF THE CONSTITUTION AND THE LAW THAT EVERY BILL BE GIVEN A HEARING. NEXT SESSION THERE MAY BE SOME LEGISLATION DETERMINED TO BE NECESSARY BY SENATOR SCHILZ'S COMMITTEE. THEY MAY PREPARE THEIR OWN BILL. THE SENATORS WHO WROTE THAT LETTER MAY PREPARE A BILL. THERE IS NO WAY FOR US TO KNOW WHAT WILL BE INTRODUCED NEXT SESSION. BUT FOR THOSE WHO HAVE BEEN HERE A WHILE, THE CONCEPT OF A SHELL BILL IS THAT OF SOMETHING LIKE A PLACEHOLDER. IT IS A RECEPTACLE. IT IS AN INSTRUMENTALITY THAT WILL BE AVAILABLE FOR USE IN THE BEST WAY TO CARRY OUT A LEGISLATIVE PURPOSE. IF WITHOUT PUTTING MORE THAN ONE SUBJECT MATTER INTO A BILL IN VIOLATION OF THE CONSTITUTION, THIS BILL CAN SERVE AS THE VEHICLE. BUT IN THE MEANTIME, I'M HOPING THIS MIGHT ASSUAGE IN THE PUBLIC'S MIND SOME OF THE OUTRAGE THAT PEOPLE FEEL, SOME OF THE ANXIETY AND THE MISPERCEPTION SOME MAY HAVE THAT THE LEGISLATURE DOESN'T CARE. SO ALL THAT WILL BE DONE THIS MORNING IS TO SUSPEND THE RULE. I DID NOT IGNORE VARIOUS MEMBERS OF THE LEGISLATURE TO WHOM I DID NOT PRESENT THIS PROPOSAL FOR A SIGNATURE. ONCE I OBTAINED 30 SIGNATURES, THAT'S ENOUGH TO SUSPEND THE RULES. IT'S ENOUGH TO SHOW THE SPEAKER THAT THERE IS INTEREST IN DOING THIS. I SAW NO NEED TO JUST CONTINUE GATHERING SIGNATURES. ANY QUESTIONS YOU HAVE, I'M PREPARED TO ANSWER. BUT ALTHOUGH IT'S NOT IN MY NATURE TO CUT OFF DEBATE, CERTAINLY NOT TO CALL THE QUESTION, BUT IF NECESSARY, RATHER THAN LET THIS BILL LOSE OUT BECAUSE WE'LL GO PAST 10:00, I WILL BE PREPARED TO CALL THE QUESTION IF NECESSARY. BUT UNTIL SUCH A CONTINGENCY ARISES, I'M OPEN FOR ANY QUESTIONS. AND IN THE TIME THAT WE HAVE, AS WITH ANY OTHER MATTER, FREEWHEELING, UNRESTRICTED DEBATE IS NOW IN ORDER. THANK YOU, MR. SPEAKER.

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SENATOR SCHILZ, YOU ARE RECOGNIZED.

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD MORNING. AND I'D JUST LIKE TO BRING UP A FEW THINGS AND TALK ABOUT THE WHOLE PROCESS A LITTLE BIT AND THEN WHAT WILL HAPPEN. MYSELF AND SENATOR CHAMBERS AND THE SPEAKER SAT DOWN AND TALKED ABOUT THIS. WE UNDERSTAND, I UNDERSTAND THAT THIS IS AN ISSUE THAT NEEDS TO BE ADDRESSED. THE QUESTION IS, IS THE BEST WAY TO ADDRESS THIS THROUGH A

Floor Debate
May 07, 2015

BILL OR THROUGH A STUDY THAT IS COMING? BUT THE PEOPLE OUT IN THE WESTERN AREA NEED TO UNDERSTAND THAT THE LEGISLATURE IS LISTENING TO THEM AND IS TAKING THIS SERIOUSLY. WHILE I DID SIGN ON TO THE BILL AT FIRST BECAUSE OF JUST WHAT I SAID BEFORE, ABOUT THINGS NEEDING TO BE ADDRESSED, I AM NOT NECESSARILY COMFORTABLE WITH THE LANGUAGE THAT IS IN THIS BILL. THE ONE THING THAT WE HAVE TODAY THAT WE NORMALLY DON'T HAVE AS WE START INTRODUCING BILLS IS THE OPPORTUNITY TO SCRUTINIZE ONE SINGLE BILL AND LOOK AT IT. OTHERWISE, IF WE HAD IT, WE WOULD JUST HAVE A HEARING AND WE WOULD SEE THE BILL AND THE LANGUAGE FOR THE FIRST TIME AT THAT HEARING. SO I AM NOT OPPOSING A HEARING. I'M NOT OPPOSING THE INTRODUCTION OF THE BILL. BUT I WANT TO BRING IT TO EVERYONE'S ATTENTION AS OTHERS HAVE BROUGHT IT TO MY ATTENTION, THAT THE LANGUAGE THAT'S IN HERE, THE UNDERLINED VERSIONS, THE NEW LANGUAGE, SAYS THAT THE COMMISSION SHALL REQUIRE ANY PERSON APPLYING FOR PERMISSION TO DISPOSE OF WASTEWATER, INCLUDING WASTEWATER GENERATED FROM OIL AND GAS WELL PRODUCTION IN OTHER STATES BY INJECTION INTO COMMERCIAL SALT WATER INJECTION WELLS IN NEBRASKA TO PROVIDE A LISTING OF ALL THE CHEMICALS. NOW, WE NEED TO BE CAREFUL AND WE NEED TO EXAMINE THIS TO MAKE SURE THAT THIS LANGUAGE WOULDN'T IN ANY WAY SHUT DOWN ANY OF THE CURRENT DRILLING AND OIL EXTRACTION THAT IS GOING ON TODAY IN THE STATE OF NEBRASKA. SO THAT'S SOMETHING THAT WE'D NEED TO LOOK AT. BUT ALSO UNDERSTANDING, TOO, THAT WHEN THIS BILL...IF THIS BILL COMES OUT OF...OFF THE FLOOR WITH THIS MOTION AND WHEN WE HAVE THE HEARING, AS SENATOR CHAMBERS SAID, THIS WOULD BE SOMETHING THAT COULD BE A VEHICLE TO MOVE FORWARD WITH. I SHOULD ALSO SAY, THOUGH, THAT SENATOR STINNER INTRODUCED LB512 THIS YEAR, WHICH WE HAD A HEARING ON AND DISCUSSED. AND IT IS STILL ALIVE AND AVAILABLE AS A SHELL BILL AS WELL. SO WE HAVE A COUPLE OF OPTIONS THERE. I WANT TO TALK JUST A LITTLE BIT FURTHER ABOUT WHAT THE PLANS ARE POSTSESSION. AND WE HAVE TALKED AND I HAVE BEEN WORKING ON, OUR OFFICE HAS BEEN WORKING ON A PLAN, THE INTERIM PLAN TO DO A STUDY ON HOW OIL...HOW THE OIL AND GAS COMMISSION OPERATES, WHAT THEY DO AND HOW THEY MONITOR THESE THINGS, WHETHER THEY HAVE THE RESOURCES TO BE ABLE TO DO THAT, WHETHER THEY ARE THE PROPER AGENCY TO BE ABLE TO CONTINUE THIS RESPONSIBILITY THAT THEY HAVE, OR ARE THERE OTHER PARTNERS OUT THERE, OTHER AGENCIES, THAT COULD DO SOME OR PARTS OF THESE MOVING FORWARD? SO WE'LL LOOK AT ALL THAT. AND I'VE GOT A COPY OF THAT HERE SO THAT EVERYONE CAN UNDERSTAND HOW...THE SCOPE OF THIS. AND IT'S A, YOU KNOW, IT'S AN OUTLINE HERE, THE LAST TWO PAGES. SO THIS IS NOT GOING TO BE JUST A

Floor Debate
May 07, 2015

BRUSH-THROUGH. THIS IS GOING TO BE A SERIOUS LOOK AT WHAT WE'RE DOING. BECAUSE IF WE ARE GOING TO TAKE A LOOK AT THIS AND WE ARE GOING TO EXAMINE THIS, WE WANT TO MAKE SURE THAT WE'RE DOING EVERYTHING WE CAN TO MAKE SURE THAT THOSE PROCESSES AND THAT THOSE THINGS THAT ARE IN PLACE ARE RIGHT AND THAT THEY'RE DOING THE JOB THEY'RE SUPPOSED TO BE DOING. SO I JUST WANTED TO LET EVERYBODY KNOW THIS IS ONE OF THOSE INTERESTING OCCURRENCES THAT YOU DON'T GET TO DEAL WITH VERY OFTEN. SO I WILL LEAVE IT UP TO EVERYONE, BUT AS I SAID, I'M NOT OPPOSED TO WHAT SENATOR CHAMBERS WANTS TO DO. THANK YOU VERY MUCH, MR. PRESIDENT. [LB512]

SPEAKER HADLEY: SENATOR STINNER, YOU ARE RECOGNIZED.

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, I'M A FRESHMAN, SO I DON'T KNOW THE SIGNIFICANCE OF RULE SUSPENSION. AND OBVIOUSLY, SENATOR SCHILZ IS TALKING ABOUT OUR LEGISLATIVE REVIEW FOR THIS SUMMER. WE CERTAINLY INTEND ON VETTING EVERY ONE OF THE CONCERNS OF THE PEOPLE WHO HAVE SHOWED UP AT TESTIMONY. WE'VE GOT THE TESTIMONY FROM THE COMMITTEE HEARING, AND WE CERTAINLY ARE GOING TO LOOK AT ALL OF THE ISSUES AS IT RELATES TO THIS. BUT I DO WANT TO SAY THIS: THAT IT'S BEEN THE CONTENTION OF THE OIL AND GAS INDUSTRY AND THE OIL COMMISSION THAT THIS WATER, THIS PRODUCED WATER, IS NONTOXIC. AND I DON'T THINK IT'S A REAL BIG STRETCH TO ASK THEM TO PROVE IT. AND I KNOW THAT THERE'S PROPRIETARY LAWS AND I THINK THAT THOSE NEED TO BE ABIDED BY. AND I CERTAINLY DON'T WANT TO STOP THE OIL AND GAS INDUSTRY IN OUR STATE. BUT WE NEED TO HAVE 100 PERCENT ASSURANCES THAT THE WATER THAT THEY'RE PUTTING INTO THAT WELL IS INDEED NONTOXIC. AND I GUESS I'M A LITTLE BIT FRUSTRATED WITH THE COMMISSION BECAUSE PEOPLE HAVE REGISTERED THOSE CONCERNS AND DAILY I GET A HANDFUL OF E-MAILS EXPRESSING CONCERNS ABOUT THE WELL, CONCERNS ABOUT THE TRAFFIC, CONCERNS ABOUT TAINTING THE WATER THAT WE HOLD TO BE VERY PRECIOUS. AND I GET LETTERS AND WHEN I GO BACK TO THE DISTRICT: WHAT ARE YOU GOING TO DO ABOUT THIS? SO I THINK THE OIL AND GAS COMMISSION NEEDS TO STAND UP AND PROVIDE INFORMATION THAT ADDRESSES THE CONCERNS. AND, OF COURSE, WE'VE GOT OTHER CONCERNS THAT ARE LONG-TERM WITH THE EARTHQUAKES AND ALL OF THAT KIND OF STUFF. I THINK WE'LL GET INTO THAT AS WELL THIS SUMMER. I DON'T KNOW IF THIS IS THE APPROPRIATE VEHICLE. I DO EXPRESS SUPPORT FOR SENATOR CHAMBERS AND WHAT HE WANTS TO DO. WE JUST NEED TO HAVE A THOROUGH VETTING OF THIS WHOLE THING; PEOPLE'S QUESTIONS ARE ANSWERED. AND I

Floor Debate
May 07, 2015

WILL SAY THIS: THE OIL AND GAS COMMISSION, WHEN THEY WERE AT THE COMMITTEE, EXPRESSED THEMSELVES TO THE FACT THAT THEY'VE NEVER SEEN A WELL WITH THIS TYPE OF VOLUME, THAT THEY ALSO UNDERSTAND THAT THEIR REGULATIONS AND PROCEDURES NEED TO BE MORE ROBUST AS IT RELATES TO THE PROCEDURE AND THE PROCESSES OF PERMITTING THESE TYPES OF WELLS. SO THEIR ADMISSION TO THAT, I THOUGHT THAT ASKING THEM FOR A DELAY WAS APPROPRIATE. THEY DID CUT THE 10,000 BARRELS A DAY TO 5,000. BUT I STILL BELIEVE, 40 TRUCKS A DAY, WE'VE GOT TO ADDRESS SOME SAFETY ISSUES, SOME ROAD ISSUES, SOME WASTEWATER ISSUES, AND THE LIKE OF THAT. SO I DON'T KNOW IF THIS IS THE APPROPRIATE BILL. WE DO HAVE LB512 AS A PLACEHOLDER AND WE DO HAVE THE STUDY THIS SUMMER. SO WE ARE GOING...THIS IS NOT GOING TO GO AWAY. I THINK THE OIL AND GAS COMMISSION NEEDS TO KNOW, THIS ISN'T GOING AWAY. WE ARE GOING TO FOLLOW UP AND GET THE APPROPRIATE ANSWERS. THANK YOU. [LB512]

SPEAKER HADLEY: SENATOR KEN HAAR, YOU ARE RECOGNIZED.

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I WILL BE FAIRLY BRIEF. I WOULD JUST LIKE TO BRING UP SEVERAL THINGS. IN GREELEY, COLORADO, IN APRIL, THERE WAS A PLACE WHERE THEY'RE INJECTING THIS KIND OF FRACKING WASTEWATER, AND THERE ARE STORAGE TANKS TO STORE THAT WHILE IT'S BEING INJECTED INTO THE EARTH AT HIGH PRESSURE. AND LIGHTNING STRUCK ONE OF THE STORAGE TANKS. IT BURST INTO FLAMES. THE FIRE BURNED ALL DAY LONG. SO WE HAD BURNING WATER, AND I THINK WE NEED TO KNOW WHAT EXACTLY GOES INTO THAT WATER. IF IT CAN BE IGNITED BY LIGHTNING, HOW CAN WE STORE IT FOREVER, FOREVER? AND THAT'S WHAT WASTEWATER INJECTION IS ABOUT, STORING FOREVER IN A LAYER FAR BELOW THE OGALLALA AQUIFER FOREVER. WE NEED TO KNOW WHAT'S IN THAT, BECAUSE YOU CAN'T GO BACK AND CORRECT A PROBLEM IF THERE WAS ONE. AND THEN I WOULD FINALLY LIKE TO AGAIN REMIND YOU OF THE NEBRASKA POLL THAT WAS DONE IN SPRING OF 2015 WHERE...BY A COMPANY THAT IS HEADQUARTERED IN LINCOLN WITH A GREAT REPUTATION CALLED RESEARCH ASSOCIATES. IT'S A SPIN-OFF SOME YEARS AGO OF GALLUP, ACTUALLY. AND THEY ASKED THREE QUESTIONS ABOUT FRACKING. AND ALTHOUGH I'M SURE THAT NEBRASKA CITIZENS DON'T KNOW EVERY DETAIL ABOUT FRACKING, AND WE DON'T EITHER BECAUSE WE DON'T KNOW WHAT GOES DOWN, A SUPERMAJORITY, 84 PERCENT OF RESPONDENTS TO THIS SCIENTIFIC POLL, INDICATED THAT ALL CHEMICALS IN FRACKING WASTEWATER SHOULD BE DISCLOSED TO THE PUBLIC. AND I BELIEVE THAT'S WHAT SENATOR CHAMBERS' BILL IS ABOUT. SO I RISE IN SUPPORT OF THIS AND I LOOK FORWARD AND TRUST

Floor Debate
May 07, 2015

THE NATURAL RESOURCES COMMITTEE TO STUDY THIS SUBJECT IN GREAT DETAIL THIS SUMMER. THANK YOU VERY MUCH.

SPEAKER HADLEY: SENATOR SCHILZ, YOU ARE RECOGNIZED.

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. AND THIS IS THE LAST TIME I WILL SPEAK. IN TALKING ABOUT THE STUDY AND TALKING ABOUT WHAT WE PLAN TO DO, I HAVE HAD PERSONAL CONVERSATIONS WITH DIRECTOR SYDOW FROM THE OIL AND GAS COMMISSION AND HE HAS ASSURED ME THAT THEY ARE ENGAGED IN THIS STUDY. THEY ARE ALREADY GATHERING THE INFORMATION FROM THE STUDY PLAN THAT WE'VE GIVEN THEM. SO THEY'VE ALREADY STARTED ON THEIR END OF THE THING TO GET THIS MOVING IN THE PROPER DIRECTION. YOU KNOW, MOSTLY WHEN WE DO INTERIM STUDIES, WE WAIT A LITTLE WHILE TO GIVE EVERYBODY A BREAK AFTER SESSION. BUT WE'VE DECIDED THAT THIS ISSUE THAT WE'RE DEALING WITH NOW, WE WILL BEGIN THIS HEARING PROCESS SOON AFTER THE SESSION ENDS, AS SOON AS WE CAN GET EVERYTHING AROUND AND IN ORDER, SO THAT WE CAN COME UP WITH A SOLUTION SO THAT EVERYBODY CAN UNDERSTAND WHERE WE'RE GOING BY THE TIME NEXT SESSION KICKS IN. SO I THINK THAT...AND I THINK, TOO, THAT WHILE WE'RE IN THESE DISCUSSIONS, WE WILL...WELL, WE'LL JUST HAVE TO SEE WHAT COMES. BUT I KNOW THAT THE OIL AND GAS COMMISSION IS ON BOARD WITH THE STUDY. THEY'RE WORKING RIGHT NOW TO GATHER THE INFORMATION THAT WE NEED FROM THEIR SIDE, AND WE WILL MOVE FORWARD. WITH THAT, THANK YOU. AND I'LL GIVE ANY OF MY TIME TO SENATOR CHAMBERS IF HE'D LIKE IT.

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 3 MINUTES AND 20 SECONDS.

SENATOR CHAMBERS: THANK YOU, SENATOR SCHILZ. THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, WHEN I GIVE MY CLOSING, I WILL TRY TO WRAP EVERYTHING UP SO THAT IT'S CLEAR, NOT JUST FOR US BUT FOR THE RECORD. I AM NOT ATTEMPTING TO DERAIL ANYTHING THAT IS BEING DONE THUS FAR. I'M NOT ATTEMPTING TO SUPPLANT THE NATURAL RESOURCES COMMITTEE. I WANT TO WORK HAND IN GLOVE WITH THEM. AND, IF POSSIBLE, I WILL BE THE STEEL FIST IN THEIR VELVET GLOVE SHOULD THAT BE NECESSARY. BUT I WANT PEOPLE WHO HAVE BEEN CONTACTING ME...YOU ALL WOULD HAVE TROUBLE BELIEVING HOW MANY E-MAILS COME TO MY OFFICE. CINDY HAS ALLOWED HER, WHATEVER YOU CALL IT, ADDRESS OR WHATEVER TO BE

Floor Debate
May 07, 2015

UTILIZED BY PEOPLE WHO SEEM LIKE THEY'RE VERY SERIOUS; PHONE CALLS JUST POURING IN. I TOLD PEOPLE THAT NOTHING THAT THE LEGISLATURE HAS DONE SO FAR, EVEN THOUGH THERE'S GENUINE CONCERN AMONG THE MEMBERS, THAT CONSTITUTES A FORMAL, OFFICIAL ACT BY THE LEGISLATURE, IN PUBLIC, SO THEY KNOW THAT WE'RE NOT JUST SAYING THAT THINGS ARE HAPPENING BEHIND THE SCENES AND YOU JUST HAVEN'T SEEN IT. THIS INTRODUCTION INDICATES A FORMAL, OFFICIAL ACTION BY THE LEGISLATURE. I TRIED TO MAKE IT CLEAR IN THE BEGINNING, THE WORDING IN THIS BILL IS BROAD ON PURPOSE. BUT WE HAVE ISSUES OF THE KIND MENTIONED BY SENATOR SCHILZ, EVEN HOW YOU WOULD HANDLE PROPRIETARY INFORMATION. BUT THERE CANNOT BE A CLOAK OF SECRECY SO THAT NOBODY IN THIS STATE WILL KNOW WHAT IS IN THAT WASTE MATERIAL. SO NOT HAVING A FULL FIVE MINUTES, I WILL STOP AT THIS POINT BECAUSE I DON'T WANT TO RUN OUT THE TIME UNNECESSARILY. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR SCHEER, YOU ARE RECOGNIZED.

SENATOR SCHEER: THANK YOU, MR. SPEAKER. I DON'T RISE IN OPPOSITION TO SENATOR CHAMBERS' SUSPENSION OF THE RULES. AND I'M NOT TRYING TO RUN IT OUT OF TIME, SENATOR, SO THAT'S NOT MY INTENT. MY CONCERN IS SIMPLY THIS. WE HAVE TO MAKE SURE THAT WE'RE NOT GOING TO START DOING THIS EVERY TIME TWO OR THREE OR FOUR SENATORS DON'T LIKE A RULING BY A COMMISSION OR A BOARD WITHIN THE STATE THAT'S EITHER BEEN APPOINTED VIA US OR THE GOVERNOR. I DON'T THINK THAT'S THE PURPOSE OF THIS LEGISLATURE. I CERTAINLY AGREE THAT THIS IS A VERY SERIOUS PROBLEM AND IT SHOULD BE ADDRESSED. BUT IN DOING SO, I THINK WE WANT TO MAKE SURE THAT WE'RE NOT GOING TO GET IN THE HABIT OF EVERY TIME A SMALL SEGMENT OF US--AND IN THIS CASE RIGHTFULLY SO--BUT A SMALL AMOUNT OF US DON'T AGREE WITH...I DON'T CARE IF IT'S THE OIL COMMISSION OR IF IT'S THE PUBLIC LANDS OR THE STATE BOARD OF EDUCATION OR THE APPRAISERS BOARD OR THE REALTORS BOARD. SOMETHING HAPPENS WITH ONE OF THOSE BOARDS OR COMMITTEES THAT A FEW OF US DON'T LIKE, THAT WE RUN BACK AND ARE REACTIVE IN A MANNER THAT WE TRY TO STRIP OR TRY TO CIRCUMVENT WHAT THEY'RE DOING. THEY'RE APPOINTED TO DO THEIR JOB AND WE SHOULD ALLOW PEOPLE ON THOSE BOARDS AND COMMITTEES TO DO SUCH. SO I AM NOT IN OPPOSITION TO THIS PARTICULAR CASE. I UNDERSTAND THE LANGUAGE IN THE BILL IS NOT IN ITS FINAL FORM. IT WAS DONE HASTILY AND I APPRECIATE THAT. BUT MY CONCERN IS JUST THE PROCESS THAT IT HAS TAKEN. WE DID NOT SEND A LETTER SIGNED BY 49 SENATORS TO THAT COMMISSION. IT WAS SENT BY FIVE, SIX, SEVEN SENATORS. IT WASN'T EVEN A

Floor Debate
May 07, 2015

MAJORITY OF THE SENATORS. AND IF WE'RE GOING TO BE HONEST, THOSE COMMISSIONERS DID WHAT THEY HAD TO DO. THEY WEREN'T GIVEN THE LATITUDE TO WAIT 60 OR 90 DAYS TO ACT UPON THAT. THEY ONLY HAD, I THINK, 10 OR 30 DAYS TO DO THAT. SO FROM THE VANTAGE POINT, LET'S NOT THROW THE BABY OUT WITH THE BATHWATER. THEY DID THEIR JOB, AND PERHAPS RELUCTANTLY SO, BUT THEY STILL DID THEIR JOB. AND I WANT TO MAKE SURE THAT AS WE MOVE FORWARD ALL THE COMMITTEES OR BOARDS THAT ARE APPOINTED AND APPROVED BY THIS BODY AREN'T CONTINUING LOOKING OVER THEIR SHOULDER, CONCERNED THAT THEY MAY OFFEND A MINORITY OF THE SENATORS ON THE FLOOR. I DON'T THINK THAT SHOULD BE THE PURPOSE OF THIS BODY. THANK YOU, MR. SPEAKER.

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED.

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I HAVE A COUPLE QUESTIONS, PROBABLY THE SAME QUESTION BOTH TO SENATOR SCHILZ AND THEN TO SENATOR CHAMBERS, IF SENATOR SCHILZ WOULD YIELD.

SENATOR SCHILZ: YES.

SENATOR BLOOMFIELD: THANK YOU, SENATOR SCHILZ. WHAT CAN YOU ACCOMPLISH WITH THIS, WERE IT TO PASS, THAT YOU CAN'T DO WITH LB512, SENATOR STINNER'S BILL? [LB512]

SENATOR SCHILZ: WELL, I THINK THERE'S NOTHING. WE HAVE THE VEHICLES TO MAKE IT GO FORWARD AND OBVIOUSLY, AS WE ALL KNOW, EVEN WITHOUT A BILL SITTING THERE, ONE COULD BE INTRODUCED. THE ONLY THING THAT THIS WOULD GIVE US THE OPPORTUNITY TO DO...WELL, NO. SO WE'VE NOT A NUMBER OF DIFFERENT OPTIONS THAT WE COULD DO TO GET WHERE WE NEED TO BE.

SENATOR BLOOMFIELD: OKAY. THEN I'D LIKE TO ASK SENATOR CHAMBERS THAT SAME QUESTION.

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD?

SENATOR CHAMBERS: SPECIFICALLY, WHAT WOULD YOU BE ASKING ME,...

SENATOR BLOOMFIELD: SENATOR,...

Floor Debate
May 07, 2015

SENATOR CHAMBERS: ...THE VALUE OF THIS BILL?

SENATOR BLOOMFIELD: YEAH, WHAT IS THE VALUE OF THIS BILL IF THEY ALREADY HAVE A MEANS OF DOING THE SAME THING?

SENATOR CHAMBERS: SENATOR BLOOMFIELD, RIGHT NOW THE PUBLIC AT LARGE KNOW NOTHING ABOUT LB512. WHEN A BILL IS ORDINARILY INTRODUCED DURING THE TEN DAYS, THERE IS NO PUBLIC DISCUSSION OF IT. THERE APPARENTLY WAS NOT A LOT OF AWARENESS OF WHAT THE INTENT OF THAT WAS. SINCE THERE WERE A NUMBER OF SUPPOSEDLY PUBLIC HEARINGS CONDUCTED BY THE OIL AND GAS COMMISSION AFTER THAT BILL HAD BEEN INTRODUCED, AND PEOPLE WERE KEPT OUT OF THE ROOM, THEY WERE GIVEN MISINFORMATION ABOUT THE RULES AND THE LAWS GOVERNING THE OIL AND GAS COMMISSION'S ACTIVITIES, THERE WERE CRITICISMS OF HOW THAT ACTION TOOK PLACE BY NEWSPAPERS IN THE AREA BEING SERVED. SO PROBLEMS DEVELOPED THAT HAD NOT EVEN SURFACED WHEN LB512 WAS INTRODUCED. SO THIS BILL, FROM MY POSITION, AND I DISCUSSED THIS WITH THOSE WHO SIGNED ON TO IT, IS TO LET THE PUBLIC KNOW THAT THE LEGISLATURE IS AWARE OF ALL OF THOSE THINGS THAT HAVE DEVELOPED. THE BILL IS INTRODUCED AS A WAY OF SHOWING THE PUBLIC, THROUGH THE ONLY FORMAL ACTION TAKEN PUBLICLY BY THE LEGISLATURE IN A FORUM SUCH AS THIS, THAT THEY HAVE BEEN HEARD; THAT THE BILL ITSELF IS NOT SAYING DO AWAY WITH THE OIL AND GAS COMMISSION. IT'S NOT DICTATING HOW THEY SHOULD DO WHATEVER IT IS THEY DO BUT A BILL THAT TOUCHES ON THE MOST SIGNIFICANT ISSUE THAT HAS BEEN RAISED BY PEOPLE, AND THAT'S WHETHER OR NOT THIS WATER IS TOXIC, WHETHER THERE WOULD BE CORROSIVE ELEMENTS IN IT, WHETHER THE AQUIFER OR GROUND WATER MAY BE IN DANGER. SO THE BILL IS TO GIVE AN IDEA OF HOW BROAD THE STUDY IS GOING TO BE THIS SUMMER BY THE COMMITTEE. AND THEY WILL KNOW FROM OUR INTRODUCTION OF THIS BILL THAT THERE'S GOING TO BE LEGISLATION, EVEN THOUGH THE WORDING IN THIS BILL DOES NOT CONSTITUTE THE FINAL PRODUCT. [LB512]

SENATOR BLOOMFIELD: OKAY. THANK YOU, SENATOR CHAMBERS. AND FOR FEAR OF RUNNING OUT OF TIME AND THE TIME CONSTRAINTS WE'RE UNDER, THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR McCOY, YOU'RE RECOGNIZED.

Floor Debate
May 07, 2015

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE IN OPPOSITION TO THIS RULE SUSPENSION, NOT BECAUSE THIS ISN'T AN ISSUE THAT BEARS STUDY. I'M JUST GOING TO QUOTE FROM THIS MORNING'S WORLD-HERALD ARTICLE IN WHICH IT WAS SAID THAT SENATOR CHAMBERS ADMITTED TO PAUL HAMMEL OF THE WORLD-HERALD THAT HIS PROPOSAL WOULDN'T BE DEBATED THIS YEAR AND THAT IT'S JUST A PLACEHOLDER FOR ANY PROPOSALS THAT COME OUT OF THIS INTERIM STUDY. I JUST FIND THIS AN OBJECTIONABLE WAY TO GO ABOUT THIS PROCESS. WE'VE NEVER DONE THIS BEFORE, IN MY SEVEN YEARS HERE IN THE LEGISLATURE. AND WE'VE COVERED SOME INCREDIBLY THORNY ISSUES. IF WE HAVE AN ISSUE, MEMBERS, IN THE PAST THAT RISES TO THE LEVEL THAT FALLS OUTSIDE THE FIRST TEN DAYS OF SESSION WHEN BILLS CAN BE INTRODUCED, SEVERAL THINGS CAN TAKE PLACE. THE GOVERNOR CAN CALL A SPECIAL SESSION, OR WE CAN CALL A SPECIAL SESSION AS MEMBERS. YOU CAN HAVE A STRONGLY WORDED RESOLUTION SPEAKING TO ACTIONS THAT THE LEGISLATURE WILL TAKE IN A FUTURE LEGISLATIVE SESSION, WHICH IN THIS CASE WOULD BE NEXT YEAR, THE 2016 SESSION. OR YOU CAN FIND A BILL THAT IS ON GENERAL FILE OR IS SOMEWHERE IN THE PROCESS THAT CAN BE GUTTED AND LANGUAGE INSERTED, A BILL THAT'S ALREADY HAD A PUBLIC HEARING THAT WAS INTRODUCED IN THE FIRST TEN DAYS OF THE LEGISLATIVE SESSION. OR YOU CAN JUST TALK TO THE FACT THROUGH THE CASE OF AN INTERIM STUDY, WHICH IS ALREADY BEING DONE, THAT WE ARE GOING TO ADDRESS THIS ISSUE AS A LEGISLATURE. AGAIN, I'M IN FULL AGREEMENT THAT THIS IS AN ENTIRELY APPROPRIATE ISSUE FOR THE LEGISLATURE TO GIVE THOROUGH STUDY. ANY OF US THAT HAVE BEEN AROUND FOR A WHILE KNOW THE KIND OF ACRIMONY AND ANGST THAT THE LOW-LEVEL NUCLEAR WASTE SITE, POTENTIAL SITE IN BOYD COUNTY, WHAT KIND OF ISSUES THAT CAUSED FOR OUR STATE. I DON'T THINK ANY OF US WANT TO GO DOWN THAT ROAD. BUT WE HAVE A PLACE AND A PURPOSE FOR RULES. AND I WOULD SUBMIT TO YOU, MEMBERS, IF WE GO DOWN THIS ROAD OF SUSPENDING THE RULES TO INTRODUCE A BILL THAT EVEN THE SPONSOR KNOWS FULL WELL THAT THERE WOULD BE A NEW PIECE OF LEGISLATION INTRODUCED NEXT YEAR, WHY ARE WE DOING THIS? I DON'T HEAR SENATOR CHAMBERS SAYING THAT HE'S GOING TO HAVE A RESOLUTION, WHICH COULD EASILY BE DONE, SPEAKING TO THIS ISSUE. I RECALL A SITUATION, A SIMILAR TYPE OF SITUATION THAT WE FACED IN THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE THIS SESSION, AND THE MEMBERS OF OUR COMMITTEE WILL REMEMBER THIS AS WELL. SENATOR DAVIS HAD A BILL REGARDING TRAINS AND THE NUMBER OF CREWS ON A TRAIN AND IT'S MY UNDERSTANDING WE'RE GOING TO DEAL WITH THAT ISSUE IN THE FORM OF A RESOLUTION RATHER THAN A BILL. MEMBERS, I THINK THERE IS A PLACE AND A

Floor Debate
May 07, 2015

PURPOSE. THERE IS A PLACE AND A PURPOSE FOR SUSPENDING THE RULES, BUT THIS IS NOT ONE OF THEM. I THINK THOSE NEBRASKANS, AND THERE ARE MANY, WHO ARE CONCERNED ABOUT THIS IMPORTANT ISSUE THAT REGARDS THE NATURAL RESOURCES OF OUR STATE AND PROTECTING THEM, THE WISE STEWARDSHIP OF THOSE RESOURCES WOULD BE CONTENT WITH A STRONGLY WORDED RESOLUTION, COUPLED WITH THE INTERIM STUDY THAT'S ALREADY IN PLACE AND THE FULL KNOWLEDGE THAT THIS ISSUE WILL BE STUDIED AND LEGISLATION WILL EMANATE FROM THAT AT THE BEGINNING OF NEXT YEAR'S SESSION. I THINK THIS IS A DANGEROUS ROAD, MEMBERS, TO GO DOWN, IN MY OPINION, THAT EVERY TIME WE HAVE SOME SORT OF AN ISSUE THAT ARISES IN NEBRASKA AFTER THE FIRST TEN DAYS OF SESSION...

SPEAKER HADLEY: ONE MINUTE.

SENATOR McCOY: ...THAT WE THINK ABOUT SUSPENDING THE RULES TO INTRODUCE LEGISLATION. I THINK PERSONALLY IT SUBVERTS OUR COMMITTEE STRUCTURE AND SUBVERTS THE PROCESS THAT WE HAVE IN THE LEGISLATURE, AND I BELIEVE THAT'S A DANGEROUS PLACE TO GO. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR RULE SUSPENSION.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WILL NOT BE DIVERTED INTO THE REALM OF PERSONAL ACRIMONY AND SO FORTH. OBVIOUSLY, SOME MEMBERS ON THIS FLOOR HAVE NOT RECEIVED THE VOLUME OF MAIL--BECAUSE I STILL GET WRITTEN MAIL--E-MAILS AND PHONE CALLS THAT SOME OF THE REST OF US HAVE OBTAINED. NOBODY WHO SIGNED ON TO THIS BILL, THE 30 OR 31 OTHER PEOPLE, NOT ONE WAS DECEIVED. WE DON'T NEED A SPECIAL SESSION BY THE GOVERNOR. WE HAVE A RULE WHICH IS BEING SUSPENDED AND IT EXISTS FOR A PURPOSE SUCH AS THIS. THERE HAS BEEN NOTHING LIKE THIS THAT HAPPENED IN THE HISTORY OF THIS STATE. AND IF SOME PEOPLE WOULD PAY MORE ATTENTION TO WHAT THE PERSON INVOLVED SAYS INSTEAD OF A SNIPPET IN A NEWSPAPER, SOMETIMES PEOPLE WOULDN'T BE MISLED AND SAY THINGS THAT ARE NOT ACCURATE AND THAT ARE NOT REFLECTIVE OF THE FACTS. I HAVE GIVEN AN EXPLANATION WHEN I OPENED. I ANSWERED ANY QUESTIONS THAT WERE PUT TO ME. I'VE TALKED TO SOME OF YOU OFF THE MIKE AND I WILL CONTINUE TO DO SO. I'M MAKING IT CLEAR THAT, UNLIKE SOME PEOPLE, I FEEL AN

Floor Debate
May 07, 2015

OBLIGATION TO RESPOND IN A WAY TO THE PUBLIC WHEN THERE IS A VERY GRIEVOUS ISSUE, AND THIS IS NOT EVEN IN MY DISTRICT. BUT I OFTEN SAY THAT AS A STATE SENATOR, MY CONSTITUENCY COMPRISES ALL OF THE PEOPLE IN THIS STATE. THIS IS ONE OF THOSE MATTERS WHERE THE PUBLIC INVOLVED-- AND BY THAT NOW I WILL TALK ABOUT THE PEOPLE IN THE AREA WHERE THIS WILL DIRECTLY BE AFFECTING THEM--THEY WENT BEFORE THE COMMISSION. THEY FOLLOWED ALL THE RULES. BUT THEY FOUND OUT THAT THERE WERE NOT RULES BEING COMPLIED WITH BY THE COMMISSION SO THAT THEY COULD EVEN MAKE A PART OF THE PUBLIC RECORD THE STATEMENTS THAT THEY WANTED TO PRESENT. I MADE IT CLEAR THAT THIS INTRODUCTION OF THE BILL IS NOT DESIGNED TO DISCUSS ALL OF THE ISSUES INVOLVED IN THIS MATTER. THE ONLY THING WE'RE VOTING ON IS A SUSPENSION OF THE RULES TO OFFER THIS BILL, AND I EXPLAINED WHY IT WOULD BE SIGNIFICANT AND A VALUE AND IN THE PUBLIC INTEREST TO DO SO. IF THOSE WHO SIGNED ON STILL FEEL WHAT THEY FELT AT THE TIME THEY SIGNED ON, THEN THE RULE WILL BE SUSPENDED. AND AS SENATOR SCHILZ HAD INDICATED, THERE ARE A LOT OF THINGS THAT ARE GOING TO BE DISCUSSED IN THE INTERIM. I INTEND TO PARTICIPATE. I DON'T WANT ANYBODY TO SAY, WHERE WERE YOU, ADDRESSING ME, WHEN WORK WAS BEING DONE TO TRY TO ASSURE THE PUBLIC THAT WE TAKE THEM SERIOUSLY; WHEN WORK WAS GOING FORTH TO TRY TO RESOLVE THE ISSUE. I'M GOING TO DO EVERYTHING I CAN TO HELP IN THIS MATTER. THOSE IN THE LEGISLATURE WHO HAVE BEEN CLOSELY AND DEEPLY INVOLVED DIRECTLY HAVE NOT EXPRESSED OPPOSITION TO MY INTEREST. IN FACT, THEY HAVE SAID THAT THEY'RE GRATEFUL FOR IT. SO I AM MORE MOVED AND PERSUADED BY THOSE THAN I AM THOSE WHO MAY EVEN HAVE QUESTIONS. AND AS FOR WHAT SENATOR SCHEER SAID, I AGREE WITH HIM. BUT I AM NOT SAYING THAT THIS BILL IS DESIGNED TO ABOLISH THE COMMISSION OR ANY OF THOSE OTHER THINGS. IT IS THE FIRST FORMAL PUBLIC ACT TAKEN BY THE LEGISLATURE TO ACKNOWLEDGE THE GREAT CONCERN THAT PEOPLE HAVE EXPRESSED, THE PROBLEMS...

SPEAKER HADLEY: ONE MINUTE.

SENATOR CHAMBERS: ...THAT HAVE BEEN MADE CLEAR, THE FACT THAT THEY HAVE NO PLACE ELSE TO TURN, I MEAN NO PLACE, AND MAYBE WITH THE INTRODUCTION OF THIS BILL IT WILL TAMP DOWN SOME OF THE ANGST, TO BORROW A TERM THAT WAS USED, THAT PEOPLE CURRENTLY ARE FEELING. AND I WILL ASK FOR A CALL OF THE HOUSE, MR. PRESIDENT, AND THEN I'LL TAKE A MACHINE VOTE.

Floor Debate
May 07, 2015

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: 25 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL.

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS MORFELD, NORDQUIST, MELLO, GLOOR, DAVIS, KOLOWSKI, KOLTERMAN, JOHNSON, AND GROENE. SENATORS DAVIS AND KOLTERMAN. THE QUESTION BEFORE THE BODY IS THE RULES SUSPENSION MOTION. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. THERE'S BEEN A REQUEST FOR A RECORD VOTE. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK.

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1485.) 37 AYES, 6 NAYS, MR. PRESIDENT, ON THE MOTION TO SUSPEND THE RULES.

SPEAKER HADLEY: THE MOTION TO SUSPEND THE RULES IS ADOPTED.

CLERK: MR. PRESIDENT...

SPEAKER HADLEY: I RAISE...

CLERK: EXCUSE ME. NEW BILL. (READ LB664 BY TITLE FOR THE FIRST TIME, LEGISLATIVE JOURNAL PAGE 1486.) [LB664]

SPEAKER HADLEY: I RAISE THE CALL. MR. CLERK, WE WILL MOVE TO FINAL READING. MEMBERS SHOULD RETURN TO THEIR SEATS IN PREPARATION FOR THE FINAL READING. MR. CLERK, THE FIRST BILL IS LB72. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB72]

CLERK: 42 AYES, 1 NAY, MR. PRESIDENT, TO DISPENSE WITH THE AT-LARGE READING. [LB72]

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Transcriber's Office

Floor Debate
May 07, 2015

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB72]

CLERK: (READ TITLE OF LB72.) [LB72]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB72 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB72]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1486-1487.) 40 AYES, 8 NAYS, 1 PRESENT AND NOT VOTING, MR. PRESIDENT. [LB72]

SPEAKER HADLEY: LB72 PASSES. (VISITORS INTRODUCED.) WE WILL NOW PROCEED TO LB72A. [LB72 LB72A]

CLERK: (READ LB72A ON FINAL READING.) [LB72A]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB72A PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB72A]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1487-1488.) 40 AYES, 4 NAYS, 5 PRESENT AND NOT VOTING. [LB72A]

SPEAKER HADLEY: LB72A PASSES. LB80. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB72A LB80]

CLERK: 45 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING. [LB80]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB80]

CLERK: (READ TITLE OF LB80.) [LB80]

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Transcriber's Office

Floor Debate
May 07, 2015

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB80 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB80]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1488.) 47 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, MR. PRESIDENT. [LB80]

SPEAKER HADLEY: LB80 PASSES. WE WILL NOW PROCEED TO LB85. [LB80 LB85]

CLERK: (READ LB85 ON FINAL READING.) [LB85]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB85 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB85]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1489.) 44 AYES, 0 NAYS, 5 PRESENT AND NOT VOTING, MR. PRESIDENT. [LB85]

SPEAKER HADLEY: LB85 PASSES. WE WILL NOW PROCEED TO LB132. [LB85 LB132]

CLERK: (READ LB132 ON FINAL READING.) [LB132]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB132 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB132]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1489-1490.) 47 AYES, 1 NAY, 1 PRESENT AND NOT VOTING, MR. PRESIDENT. [LB132]

SPEAKER HADLEY: LB132 PASSES. WE WILL NOW PROCEED TO LB141E. THE FIRST READING...THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB132 LB141]

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Transcriber's Office

Floor Debate
May 07, 2015

CLERK: 46 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB141]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB141]

CLERK: (READ TITLE OF LB141.) [LB141]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB141 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB141]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1490-1491.) VOTE IS 49 AYES, 0 NAYS, MR. PRESIDENT. [LB141]

SPEAKER HADLEY: LB141 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. WE WILL NOW PROCEED TO LB240. [LB141 LB240]

ASSISTANT CLERK: (READ LB240 ON FINAL READING.) [LB240]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB240 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB240]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1491.) VOTE IS 36 AYES, 9 NAYS, 4 PRESENT AND NOT VOTING, MR. PRESIDENT. [LB240]

SPEAKER HADLEY: LB240 PASSES. WE WILL NOW PROCEED TO LB253. [LB240 LB253]

ASSISTANT CLERK: (READ LB253 ON FINAL READING.) [LB253]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB253 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB253]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
May 07, 2015

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1492.)
VOTE IS 49 AYES, 0 NAYS, MR. PRESIDENT. [LB253]

SPEAKER HADLEY: LB253 PASSES. WE WILL NOW PROCEED TO LB264. [LB253
LB264]

ASSISTANT CLERK: (READ LB264 ON FINAL READING.) [LB264]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING
BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB264 PASS? ALL THOSE IN
FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH?
RECORD, MR. CLERK. [LB264]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES
1492-1493.) VOTE IS 48 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, MR.
PRESIDENT. [LB264]

SPEAKER HADLEY: LB264 PASSES. WE WILL NOW PROCEED TO LB317. [LB264
LB317]

ASSISTANT CLERK: (READ LB317 ON FINAL READING.) [LB317]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING
BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB317 PASS? ALL THOSE IN
FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH?
RECORD, MR. CLERK. [LB317]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1493.)
VOTE IS 39 AYES, 6 NAYS, 4 PRESENT AND NOT VOTING, MR. PRESIDENT. [LB317]

SPEAKER HADLEY: THE BILL PASSES. THE NEXT BILL IS LB348. MR. CLERK, THE
FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR
VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH?
RECORD, MR. CLERK. [LB317 LB348]

ASSISTANT CLERK: 42 AYES, 1 NAY ON THE DISPENSING WITH FINAL READING,
MR. PRESIDENT. [LB348]

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Transcriber's Office

Floor Debate
May 07, 2015

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB348]

ASSISTANT CLERK: (READ TITLE OF LB348.) [LB348]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB348 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB348]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1494.) VOTE IS 49 AYES, 0 NAYS ON THE FINAL PASSAGE OF THE BILL, MR. PRESIDENT. [LB348]

SPEAKER HADLEY: LB348 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. WE WILL NOW SKIP OVER LB414 AND IT WILL BE PLACED AT THE BOTTOM OF THIS SECTION. MR. CLERK, THE FIRST VOTE ON LB449 IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR, VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB348 LB414 LB449]

ASSISTANT CLERK: 44 AYES, 1 NAY, TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB449]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB449]

ASSISTANT CLERK: (READ LB449 ON FINAL READING.) [LB449]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB449 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB449]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1495.) THE VOTE IS 48 AYES, 0 NAYS, 1 PERSON PRESENT AND NOT VOTING, MR. PRESIDENT. [LB449]

SPEAKER HADLEY: LB449 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. WE WILL NOW PROCEED TO LB458. [LB449 LB458]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
May 07, 2015

ASSISTANT CLERK: (READ LB458 ON FINAL READING.) [LB458]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB458 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB458]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1496.) THE VOTE IS 48 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, MR. PRESIDENT. [LB458]

SPEAKER HADLEY: LB458 PASSES. WE WILL NOW PROCEED TO LB519. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK? [LB458 LB519]

ASSISTANT CLERK: 45 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB458]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB458]

ASSISTANT CLERK: (READ LB519 ON FINAL READING.) [LB519]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB519 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB519]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1497.) 48 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, MR. PRESIDENT. [LB519]

SPEAKER HADLEY: LB519 PASSES. (VISITORS INTRODUCED.) MR. CLERK, WE WILL NOW PROCEED TO LB519A. [LB519 LB519A]

ASSISTANT CLERK: (READ LB519A ON FINAL READING.) [LB519A]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB519A PASS? ALL THOSE IN

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Transcriber's Office

Floor Debate
May 07, 2015

FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB519A]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1497-1498.) 49 AYES, 0 NAYS ON THE FINAL PASSAGE OF THE BILL, MR. PRESIDENT. [LB519A]

SPEAKER HADLEY: LB519A PASSES. WE WILL NOW PROCEED TO LB561. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB519A LB561]

ASSISTANT CLERK: 43 AYES, 1 NAY TO DISPENSE AT THE AT-LARGE READING, MR. PRESIDENT. [LB561]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB561]

ASSISTANT CLERK: (READ LB561 ON FINAL READING.) [LB561]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB561 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB561]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1498-1499.) 48 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, MR. PRESIDENT. [LB561]

SPEAKER HADLEY: LB561 PASSES. WE WILL NOW PROCEED TO LB414. [LB565 LB414]

CLERK: (READ LB414 ON FINAL READING.) [LB414]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB414 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAS EVERYONE VOTED THAT WISH? RECORD, MR. CLERK. [LB414]

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Transcriber's Office

Floor Debate
May 07, 2015

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1499-1500.) 33 AYES, 13 NAYS, 3 PRESENT AND NOT VOTING, MR. PRESIDENT. [LB414]

SPEAKER HADLEY: LB414 PASSES. MR. CLERK, WE WILL PROCEED TO FINAL READING ON LB610. [LB414 LB610]

ASSISTANT CLERK: (READ LB610 ON FINAL READING.) [LB610]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB610 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB610]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE PAGE 1500.) 26 AYES, 15 NAYS, 8 PRESENT AND NOT VOTING, MR. PRESIDENT. [LB610]

SPEAKER HADLEY: LB610 PASSES. WOULD MEMBERS PLEASE STAY IN THEIR SEATS? (VISITORS INTRODUCED.) MR. CLERK, LB610A. [LB610 LB610A]

ASSISTANT CLERK: (READ LB610A ON FINAL READING.) [LB610A]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB610A PASS? ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB610A]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1501.) 27 AYES, 12 NAYS, 10 PRESENT AND NOT VOTING, MR. PRESIDENT. [LB610A]

SPEAKER HADLEY: LB610A PASSES. MR. CLERK, FOR AN ANNOUNCEMENT. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LB72, LB72A, LB80, LB85 LB132, LB141E, LB240, LB253, LB264, LB317, LB348, LB414, LB449, LB458, LB519, LB519A, LB561, LR209, LR210, LR219, LR220, LR221, LR224, LR225. MR. CLERK. [LB610 LB610A LB72 LB72A LB80 LB85 LB132 LB141E LB240 LB253 LB264 LB317 LB348 LB414 LB449 LB458 LB519 LB519A LB561 LR209 LR210 LR219 LR220 LR221 LR224 LR225]

Floor Debate
May 07, 2015

ASSISTANT CLERK: MR. PRESIDENT, THE FIRST BILL ON GENERAL FILE THIS MORNING, LB329, INTRODUCED BY SENATOR SCHILZ. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 15, REFERRED TO THE NATURAL RESOURCES COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM1042, LEGISLATIVE JOURNAL PAGE 1036.) [LB329]

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN ON LB329. [LB329]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. GOOD MORNING, ONCE AGAIN. AND THANK YOU FOR THE OPPORTUNITY TO INTRODUCE LB329 ON THE FLOOR THIS MORNING. FIRST I WOULD LIKE TO THANK THOSE FOLKS THAT HAVE BEEN INVOLVED AND HELPED US TO GET THIS BILL WHERE IT IS TODAY, INCLUDING SENATOR SCHNOOR WHO PRIORITIZED THE BILL, SENATOR DAVIS, SENATOR GROENE, SENATOR COASH, AND SENATOR BURKE HARR WHO HAVE COSIGNED AND SENATOR HARR HAS HELPED WITH SOME OF THE AMENDMENTS AS WELL AS FOLKS LIKE SENATOR CRAWFORD AND MANY OTHERS INSIDE AND OUTSIDE OF THIS CHAMBER. LB329 WAS BROUGHT TO PROMOTE ECONOMIC DEVELOPMENT BY SUPPORTING VALUE-ADDED AGRICULTURE AND INCREASING TOURISM IN OUR STATE. NEBRASKA'S FARM AND RANCH LANDS OFFER GREAT RECREATIONAL OPPORTUNITIES AND OFFERING MORE ACCESS WOULD PROVIDE VALUE, NOT ONLY TO LANDOWNERS BUT ALSO TO THE LOCAL COMMUNITIES THAT WOULD SEE TOURISM AND BUSINESS INCREASE. MORE THAN 97 PERCENT OF THE LAND IN NEBRASKA IS PRIVATELY OWNED AND THERE'S A DEMAND FOR MORE ACCESS TO THESE PROPERTIES. WE SHOULD RESPOND TO THAT DEMAND AND FIND WAYS TO INCREASE THESE AGRICULTURAL-BASED BUSINESSES. AG-BASED BUSINESS IS A WAY FOR RURAL PROPERTY OWNERS TO EARN ADDITIONAL INCOME FROM THEIR AGRICULTURAL PROPERTIES. AND THIS BILL WOULD GIVE RANCHERS, FARMERS, AND RURAL LANDOWNERS THE OPPORTUNITY TO OPEN UP THEIR LAND TO THOSE WHO WANT RURAL EXPERIENCES AND TO BE ABLE TO CHARGE A FEE FOR THOSE ACTIVITIES WITH THE REDUCED RISK OF LIABILITY AND COST OF INSURANCE. THE UNIVERSITY OF NEBRASKA CENTER FOR GREAT PLAINS STUDIES PRESENTED A LETTER AT THE HEARING STATING THAT THEY INTERVIEWED A NUMBER OF RANCHERS AND OTHER PRIVATE, FOR-PROFIT OPERATORS ABOUT WHAT WAS INHIBITING GROWTH OF THIS EMERGING RURAL INDUSTRY. NEARLY ALL OF THEM EXPRESSED SIGNIFICANT APPREHENSION AND LACK OF CLARITY ABOUT THEIR LIABILITY. A STRATEGIC PLAN COMMISSIONED BY THE NEBRASKA TOURISM COMMISSION AND RELEASED IN 2012 FROM

Floor Debate
May 07, 2015

ANOTHER BILL THAT I INTRODUCED IN 2011 SPECIFICALLY NOTED CONCERNS ABOUT LIABILITY FOR FARMERS AND RANCHERS ALLOWING AGRITOURISM ACTIVITIES ON THEIR LAND. THE STUDY STATED THAT THE DISTINGUISHING FEATURE OF NEBRASKA TOURISM IS THE POTENTIAL FOR UNIQUE AND AUTHENTIC EXPERIENCES, BUT THAT LANDOWNERS WERE AVOIDING INITIATIVES THAT WOULD PROVIDE VISITORS HANDS-ON EXPERIENCES DUE IN LARGE PART TO LIABILITY INSURANCE CONCERNS. THE CONSULTANT OF THAT STUDY RECOMMENDED THAT LEGISLATION BE CONSIDERED FOR NEBRASKA TO LIMIT LIABILITY IN ORDER TO FOSTER THE AGRITOURISM INDUSTRY. THIS LAW WILL PROVIDE A GREAT OPPORTUNITY FOR THE ORGANIZATIONS THAT SUPPORT THE BILL TO EDUCATE THOSE WHO WOULD LIKE TO ENGAGE IN AGRITOURISM AND ECOTOURISM IN NEBRASKA. THAT IS, IN FACT, ONE OF THE GOALS OF THE GREAT PLAINS ECOTOURISM COALITION, THE ENTITY HOUSED UNDER THE UNIVERSITY'S CENTER FOR GREAT PLAINS STUDY THAT IS PROMOTING NATURE-BASED TOURISM IN NEBRASKA'S GREAT PLAINS. AND YOU'LL NOTICE I'VE HANDED OUT TO YOU A BOOKLET OF POSTCARDS THAT ARE BEING USED TO PROMOTE THE GREAT PLAINS ECOTOURISM COALITION. AND THE ARTWORK IN THIS BOOKLET WAS DONE BY KATIE NIELAND WHO IS WITH THE CENTER FOR THE GREAT PLAINS STUDIES. AND I THINK IT JUST SHOWS YOU SOME OF THE OPPORTUNITIES THAT ARE OUT THERE THAT ARE DIFFERENT THAN MOST PEOPLE WOULD THINK ABOUT WHAT YOU CAN DO. SO THESE ARE THE TYPES OF TOURISM ACTIVITIES WE WANT TO PROMOTE. WE WANT TO INCREASE THE OPPORTUNITIES IN NEBRASKA FOR PEOPLE TO EXPERIENCE NATURE, SEE WHERE OUR FOOD COMES FROM, WATCH SANDHILL CRANE MIGRATIONS AND OTHER THINGS SUCH AS THAT. NEBRASKA HAS THE LARGEST STABILIZED SAND DUNE REGION IN THE NORTHERN HEMISPHERE, OUR SANDHILLS, HUNDREDS OF SPRING-FED LAKES, WORKING RANCHES OF ALL SIZES, HIKING TRAILS, PLACES AND THINGS THAT NEBRASKANS WANT TO EXPERIENCE AND ARE WILLING TO PAY FOR IT IF THEY ARE AVAILABLE. MORE THAN HALF OF THE STATES HAVE ENACTED AGRITOURISM PROMOTION-TYPE LAWS TO THE STATE. AND THIS BILL IS VERY NARROWLY DRAWN. THIS BILL IS NOT AN INVITATION TO ALLOW AN AGRITOURISM BUSINESS TO BE CARELESS ON SAFETY. UNDER LB329 AS AMENDED, LIABILITY IS LIMITED ONLY IF AN INJURY IS DUE TO AN INHERENT RISK, A CONDITION OF THE LAND THAT IS INTEGRAL TO THE LAND. THIS DOES NOT MEAN THAT A LANDOWNER WILL NEVER BE HELD LIABLE FOR AN INJURY NOR IS THAT THE BILL'S INTENTION. IT DOESN'T MEAN THAT THE LANDOWNERS WILL NOT BE SUED AND IT IS NOT INTENDED TO STOP SOMEONE FROM FILING A SUIT AGAINST THE LANDOWNER BY SOMEONE WHO IS INJURED ON THEIR LAND. THIS IS THE INTENT OF THE BILL AND I WILL GO OVER THE SPECIFICS OF THE

Floor Debate
May 07, 2015

BILL WITH THE AMENDMENTS WHEN I OPEN ON THOSE. THANK YOU, MR. PRESIDENT. [LB329]

SPEAKER HADLEY: WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LB610 AND LB610A. AS THE CLERK ANNOUNCED, THERE ARE COMMITTEE AMENDMENTS FROM THE NATURAL RESOURCES COMMITTEE. SENATOR SCHILZ, AS CHAIRMAN OF THAT COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB610 LB610A LB329]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. YES, COMMITTEE AMENDMENT, AM1042, IS THE FIRST OF A COUPLE AMENDMENTS THAT WE'LL HAVE TO GET THIS BILL WHERE WE NEED IT TO BE TO MOVE FORWARD. THAT AMENDMENT IS AM1580 AND IT WILL INCORPORATE THE PROVISIONS OF THE COMMITTEE AMENDMENT AND REPLACE THE BILL. WHAT I WOULD LIKE TO DO NOW IS GO OVER THE BASIC PROVISIONS OF THE BILL AND WHEN I OPEN ON AM1580 I'LL EXPLAIN THE PROVISIONS IN MORE DETAIL. BUT HERE'S WHAT THIS BILL SAYS..AND THIS IS REALLY IMPORTANT TO GET TO ANY QUESTIONS OR MOST OF THE QUESTIONS THAT YOU MAY HAVE ABOUT HOW THIS BILL WILL WORK. THE BILL SAYS THAT IF A PARTICIPANT, A PARTICIPANT MEANING WHICH IS ANYONE WHO ENGAGES IN AN AGRITOURISM ACTIVITY EXCEPT THE PROPERTY OWNER, AGENT, EMPLOYEE, OR CONTRACTOR OF THE OWNER. NUMBER TWO, ENGAGES IN AN AGRITOURISM ACTIVITY, WHICH MEANS ACTUALLY ENGAGES IN AGRITOURISM ACTIVITIES AS DEFINED IN THE BILL. NUMBER THREE, ON THE PREMISES, WHICH MEANS LAND, ROADS, PATHWAYS, TRAILS, WATER, WATER COURSES, PRIVATE WAYS, AND BUILDINGS AND STRUCTURES THAT ARE NOT WITHIN THE LIMITS OF A CITY OR VILLAGE AND ARE NOT ON COMMERCIAL, INDUSTRIAL, OR RESIDENTIALLY ZONED LAND. FOUR, OF AN OWNER, WHICH MEANS THE PREMISES MUST BE OWNED, LEASED, OCCUPIED BY THE OWNER OR HIS OR HER REPRESENTATIVE AND WHOSE GROSS ANNUAL INCOME FROM AGRITOURISM ACTIVITY DOES NOT EXCEED \$500,000. NUMBER FIVE, AND IS INJURED. AND NUMBER SIX, SOLELY DUE TO AN INHERENT RISK, WHICH ARE CONDITIONS OR DANGERS OR HAZARDS THAT ARE AN INTEGRAL PART OF THE LAND OR WATERS USED FOR AGRITOURISM ACTIVITIES. SOMETHING THAT IS A NATURAL CONDITION OF THE LAND, BEHAVIOR OF WILD OR DOMESTIC ANIMALS, AND ORDINARY DANGERS OF STRUCTURES OR EQUIPMENT ORDINARILY USED IN FARMING OR RANCHING OPERATIONS WHEN SUCH STRUCTURES OR EQUIPMENT ARE USED FOR FARMING AND RANCHING PURPOSES. NUMBER SEVEN, THEN AN OWNER MAY BE PROTECTED FROM LIABILITY FOR THE INJURY, UNLESS THE OWNER HAD ACTUAL KNOWLEDGE OF

Floor Debate
May 07, 2015

A DANGEROUS CONDITION ON THE PREMISES AND DID NOT MAKE THE PARTICIPANT AWARE OF THE DANGER THAT CAUSED THE INJURY OR THE OWNER REASONABLY SHOULD HAVE KNOWN ABOUT A DANGEROUS CONDITION OF EQUIPMENT USED OR KEPT ON THE OWNER'S PREMISES AND DOES NOT MAKE THE PARTICIPANT AWARE OF THE DANGER THAT CAUSED THE INJURY; OR THE OWNER REASONABLY SHOULD HAVE KNOWN OF A PARTICULAR DANGEROUS CONDITION OF STRUCTURES USED ON THE PREMISES IN AN AGRITOURISM ACTIVITY AND DOES NOT MAKE THE PARTICIPANT AWARE OF THE DANGER THAT CAUSES THE INJURY; OR THE OWNER FAILS TO PROPERLY TRAIN AND SUPERVISE EMPLOYEES INVOLVED IN THE AGRITOURISM ACTIVITY AND AN ACT OR OMISSION OF THE EMPLOYEE RESULTING FROM INADEQUATE TRAINING OR SUPERVISING CAUSES THE INJURY; OR THE OWNER COMMITS AN ACT OR OMISSION THAT IS WILLFUL OR WANTON DISREGARD FOR THE SAFETY OF THE PARTICIPANTS, CONSTITUTES GROSS NEGLIGENCE, OR WAS INTENTIONAL; OR IF A FEE IS PAID AND THE LANDOWNER HAS FAILED TO FOLLOW THE WARNING NOTICE REQUIREMENTS IN STATUTE, THEN THE LIABILITY OF THE OWNER WOULD NOT BE LIMITED UNDER THIS ACT. AS I MENTIONED, I HAVE AN AMENDMENT THAT WILL FURTHER CLARIFY THESE PROVISIONS AND I WILL EXPLAIN THEM WHEN I OPEN ON THE NEXT AMENDMENT. IN THAT POINT, I WOULD LIKE TO ASK THE CLERK IF HE WOULD WITHDRAW AM1264 AND MOVE ON TO AM1580. [LB329]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: WITHOUT OBJECTION, WITHDRAWN. MR. CLERK. [LB329]

ASSISTANT CLERK: IN THAT CASE, MR. PRESIDENT, SENATOR SCHILZ WOULD OFFER AM1580. (LEGISLATIVE JOURNAL PAGES 1502-1504.) [LB329]

SENATOR SCHEER: SENATOR SCHILZ, YOU'RE OPEN TO INTRODUCE. [LB329]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. CONTINUING, TO EXPRESS CONCERNS THAT SOME COLLEAGUES HAVE EXPRESSED TO ME AND THAT THE TRIAL ATTORNEYS ASSOCIATION HAS RAISED, THIS AMENDMENT WOULD CLARIFY THAT TO FALL UNDER THE DEFINITION OF INHERENT RISK, THE ORDINARY DANGERS OF A STRUCTURE OR EQUIPMENT USED IN FARMING OR RANCHING HAVE TO BE THE TYPES OF STRUCTURES OR EQUIPMENT THAT ARE ORDINARILY USED IN FARMING AND RANCHING OPERATIONS WHEN USED FOR FARMING OR RANCHING PURPOSES. IN OTHER

Floor Debate
May 07, 2015

WORDS, IF SOMEONE IS INJURED DUE TO AN ORDINARY DANGER ON A STRUCTURE OR PIECE OF EQUIPMENT ORDINARILY USED IN FARMING OR RANCHING BUT IT HAS NOT BEEN USED FOR FARMING OR RANCHING PURPOSES, THEN IT WOULD NOT QUALIFY AS AN INHERENT RISK. WE HAVE BEEN ASKED ABOUT SOMETHING LIKE A HAUNTED HOUSE IN BARNs AT PUMPKIN PATCHES, OR HAYRACK RIDES ON TRAILERS AT PUMPKIN PATCHES. IF SOMEONE IS HURT IN A BARN BEING USED AS A HAUNTED HOUSE, A COURT WOULD LOOK AT THE FACTS AND DECIDE WHETHER THE INJURY WAS CAUSED BY AN ORDINARY DANGER OF THE STRUCTURE WHICH IS ORDINARILY USED IN FARMING OR RANCHING OPERATIONS AND WHICH WAS USED FOR FARMING OR RANCHING PURPOSES WHEN THE INJURY OCCURRED. IF THE COURT DETERMINES THAT, ONE, THE INJURY WASN'T CAUSED BY AN ORDINARY DANGER OF THE STRUCTURE OR EQUIPMENT; TWO, THAT THE STRUCTURE OR EQUIPMENT WASN'T ORDINARILY USED IN FARMING OR RANCHING OPERATIONS; OR THREE, THAT THE STRUCTURE OR EQUIPMENT WAS NOT USED FOR FARMING OR RANCHING PURPOSES, IT WOULD NOT QUALIFY AS AN INHERENT RISK AND THERE WOULD BE NO COVERAGE FOR THE LANDOWNER UNDER THIS ACT. IF THERE IS AN INJURY AND A LAWSUIT IS FILED, THIS BILL ALLOWS THE CONSIDERATION OF WHETHER THE FACTS OF THE CASE SHOWED NEGLIGENCE ON THE PART OF THE OWNER WHO MAY HAVE FAILED TO REDUCE THE RISK POSED BY DANGERS THAT WERE NOT ORDINARY. THE AMENDMENT ALSO CLARIFIES THAT IF A LANDOWNER REASONABLY SHOULD HAVE KNOWN ABOUT A DANGEROUS CONDITION OF EQUIPMENT USED OR KEPT ON THE OWNER'S PREMISES, THE LANDOWNER IS NOT PROTECTED FROM LIABILITY IF HE DOESN'T MAKE A PARTICIPANT AWARE OF THE DANGER. THIS NARROWS THE LIMITATION OF LIABILITY BY REMOVING THE REQUIREMENT THAT THE LANDOWNER IS REQUIRED TO WARN ABOUT DANGEROUS EQUIPMENT ONLY WHEN USED IN THE AGRITOURISM ACTIVITY. WITH THE AMENDMENT, A LANDOWNER, IN ORDER TO BE COVERED BY THE ACT, HAS TO WARN PARTICIPANTS OF THE DANGEROUS CONDITIONS OF ALL EQUIPMENT USED OR KEPT ON PREMISES, NOT JUST THE EQUIPMENT BEING USED FOR THE AGRITOURISM ACTIVITY. THERE IS EQUIPMENT ALL AROUND A FARM OR RANCH OPERATION AND EVEN THOUGH IT ISN'T BEING USED FOR THE ACTUAL AGRITOURISM ACTIVITY, IF THE LANDOWNER REASONABLY SHOULD KNOW OF A DANGER, HE OR SHE MUST WARN THE PARTICIPANT. THE AMENDMENT ALSO MAKES SOME CHANGES THAT WERE RECOMMENDED BY THE TRIAL ATTORNEY'S ASSOCIATION THAT CLARIFIED THE LANGUAGE AND IMPROVED THE BILL AND I'LL GO THROUGH THOSE IN JUST A MINUTE. THIS BILL IS INTENDED ONLY, TO ONLY AFFECT INJURIES RESULTING SOLELY FROM INHERENT RISKS ON THE PREMISES AND APPLIES ONLY TO PREMISES LIABILITY CLAIMS. THESE CLARIFICATIONS HAVE

Floor Debate
May 07, 2015

BEEN MADE TO ADDRESS SOME OF YOUR CONCERNS WITH THE SCOPE OF THE BILL AND GIVES US THE OPPORTUNITY TO MAKE CLEAR RECORD OF OUR INTENT. AM1580 ALSO ADDRESSES AN OVERSIGHT POINTED OUT TO US BY SENATOR CRAWFORD--AND I APPRECIATE THAT VERY MUCH--THE WORDS THAT MUST BE USED ON WARNING TO PARTICIPANTS IN SECTION 6 OF THE AMENDMENT. THE WARNING TELLS OF THE INHERENT RISK TO PARTICIPANTS BUT THE ORDINARY DANGERS OF STRUCTURES OR EQUIPMENT ORDINARILY USED IN FARMING OR RANCHING OPERATIONS WAS NOT INCLUDED. WE SIMPLY ADD THE REFERENCE TO THE WARNING AND THANK SENATOR CRAWFORD FOR HER ASSISTANCE. AND NOW A LITTLE BIT OF THE EXPLANATION OF THE TRIAL ATTORNEYS' AMENDMENTS. IN DESCRIBING A DANGER THAT CAUSES THE INJURY, WE CHANGED THE LANGUAGE FROM "PROXIMATELY CAUSES" TO "IS A PROXIMATE CAUSE OF" TO RECOGNIZE THAT THERE COULD BE MORE THAN ONE PROXIMATE CAUSE OF AN INJURY. LANGUAGE HAS BEEN ADDED TO CLARIFY THAT ACTION BY AN OWNER OR HIS OR HER EMPLOYEES WHO ARE UNDER THE INFLUENCE OF ALCOHOL OR ILLEGAL DRUGS OR WHO IS VIOLATING STATE OR LOCAL LAW IS NOT CONSIDERED PART OF AN INHERENT RISK. WE REMOVED THE LANGUAGE THAT THE ACT APPLIES TO GOVERNMENT ENTITIES AND POLITICAL SUBDIVISIONS. WE REMOVED THE REFERENCE TO "ATTRACTIONS" IN THE INTENT LANGUAGE, WHICH HELPS AVOID SOME CONFUSION ABOUT THE TYPES OF ACTIVITIES TO WHICH THE ACT IS INTENDED TO APPLY. LANGUAGE HAS BEEN ADDED THAT AN OWNER IS REQUIRED TO SUPERVISE IN ADDITION TO TRAIN EMPLOYEES. WE CLARIFIED THAT THE ORDINARY DANGERS OF STRUCTURES OR EQUIPMENT ORDINARILY USED IN FARMING OR RANCHING OPERATIONS MUST HAVE BEEN USED FOR FARMING AND RANCHING PURPOSES. WE AMENDED THE BILL SO IT ONLY APPLIES TO THOSE LANDOWNERS WHOSE GROSS ANNUAL INCOME DOES NOT EXCEED \$500,000. WE EXCLUDED FROM THE DEFINITION OF PARTICIPANT ANY AGENT, EMPLOYEE, OR CONTRACTOR OF THE OWNER AND WE HAVE CLARIFIED THAT IF A LANDOWNER SHOULD HAVE KNOWN ABOUT A PARTICULAR DANGER OF EQUIPMENT USED OR KEPT ON THE OWNER'S PREMISES, HE OR SHE HAS TO WARN OF THE DANGER OR THERE WILL BE NO PROTECTION FROM LIABILITY. I WANT TO THANK THE TRIAL ATTORNEYS AND SENATOR HARR FOR THEIR WORK ON THIS BILL AND FOR HELPING US MAKE THIS BILL MORE CLEAR. AND WITH THAT, I WILL TURN THE REST OF MY TIME BACK OVER TO THE SEAT. THANK YOU, MR. PRESIDENT. [LB329]

SENATOR SCHEER: THANK YOU, SENATOR SCHILZ. THOSE WAITING TO SPEAK, SENATORS SEILER, BOLZ, McCOLLISTER, KRIST, AND OTHERS. SENATOR SEILER. [LB329]

Floor Debate
May 07, 2015

SENATOR SEILER: THANK YOU, MR. PRESIDENT. WOULD SENATOR SCHILZ YIELD?
[LB329]

SENATOR SCHEER: SENATOR SCHILZ, WILL YOU YIELD? [LB329]

SENATOR SCHILZ: I SURE WILL, YES. [LB329]

SENATOR SEILER: THANK YOU VERY MUCH. I'M GOING TO USE ONE EXAMPLE AND I THINK YOU'LL SEE WHERE I'M COMING FROM. IT'S THE TERM "INHERENT RISK." SAY YOU HAD AN ANIMAL, A BURRO OR A SHETLAND PONY ON THERE-- I'M GOING TO ASK TWO DIFFERENT QUESTIONS ON THAT--AND A CHILD GOES OVER. MOST FARM KIDS WOULD KNOW THOSE TWO CAN BE PRETTY UNPREDICTABLE WHAT THEY'RE GOING TO DO, BITE, KICK, RUN OVER YOU. BUT A CITY CHILD MAY NOT. DOES THIS...WITHOUT...NOW TAKE IT WITHOUT A SIGN OF WARNING, DOES THIS PROVIDE COVERAGE THAT THEY WOULD...THE FARMER WOULD NOT BE COVERED? [LB329]

SENATOR SCHILZ: MY UNDERSTANDING IS THE ONLY TIME THAT THE LANDOWNER WOULD BE COVERED BY THAT IS IF HE WARNED AND INSTRUCTED THOSE FOLKS THAT THOSE ANIMALS WERE DANGEROUS. AND THEY WOULD BE CONSIDERED DANGEROUS IF YOU KNOW ANYTHING ABOUT CATTLE OR ANYTHING LIKE THAT. [LB329]

SENATOR SEILER: SO HE MUST PUT UP A SIGN OR GIVE A LITTLE, QUICK SEMINAR ON STAYING AWAY FROM THEM? [LB329]

SENATOR SCHILZ: ABSOLUTELY. [LB329]

SENATOR SEILER: OKAY. THANK YOU. I PASS MY TIME. [LB329]

SENATOR SCHEER: THANK YOU, SENATORS SCHILZ AND SEILER. SENATOR BOLZ.
[LB329]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. WILL SENATOR SCHILZ YIELD TO A QUESTION? [LB329]

SENATOR SCHEER: SENATOR SCHILZ, WILL YOU YIELD? [LB329]

Floor Debate
May 07, 2015

SENATOR SCHILZ: YES. [LB329]

SENATOR BOLZ: THANK YOU, SENATOR. I AM JUST TRYING TO THINK THROUGH THIS BILL FROM THE PERSPECTIVE OF A SOCCER MOM; I REPRESENT A LOT OF SOCCER MOMS. AND I'M TRYING TO THINK THROUGH THE EXPECTATION OF SOMEONE WHO COMES TO AN AGRITOURISM ACTIVITY. I THINK MOST FAMILIES ATTENDING SUCH AN ACTIVITY WILL THINK THAT THEY WILL BE IN A PLACE THAT'S SAFE FOR THEIR KIDS. I THINK THAT'S KIND OF WHAT THEY'LL ASSUME WHEN THEY COME IN THE DOOR EVEN IF THEY DO READ THE WARNING. AND SIMILAR TO SENATOR SEILER'S CONCERN, I HAVE A CONCERN ABOUT EXPECTATIONS OF FAMILIES BEING EXPECTED TO UNDERSTAND WHAT THE ORDINARY DANGERS OF FARM EQUIPMENT ARE. IF YOU'RE NOT FAMILIAR WITH THAT EQUIPMENT, IF YOU'VE NEVER SEEN IT OR USED IT OR BEEN AROUND IT, YOU JUST MAY NOT BE ABLE TO SHIELD YOUR CHILDREN FROM THE RIGHT THINGS AT THE RIGHT TIME. FURTHER, I'M JUST CONCERNED THAT SMALL PEOPLE, LITTLE PEOPLE, JUST WON'T HAVE THE RIGHT JUDGMENT TO BE ABLE TO UNDERSTAND, AS YOU SAY, THE ORDINARY DANGERS. AND I WAS HOPING THAT YOU MIGHT BE ABLE TO ADDRESS THAT SOMEWHAT AND HELP PUT MY MIND AT EASE THAT THE EXPECTATION OF THE AVERAGE SOCCER MOM WOULD BE MET AND THAT THEIR KIDS WOULD BE PROTECTED TO THE GREATEST DEGREE POSSIBLE. [LB329]

SENATOR SCHILZ: SURE, AND THANK YOU FOR THE QUESTION. AND I THINK AS YOU LOOK AT THIS, ANY PARTICIPANT--SO ANYONE THAT WALKS ONTO THAT FARM--AND I WOULD BELIEVE THAT YOU WOULD HAVE A HIGHER STANDARD FOR KIDS THAN YOU WOULD FOR AN ADULT THAT HAD BEEN ON THE LAND OR AROUND. SO WHAT THIS BILL SAYS IS THAT IF YOU WANT TO BE COVERED BY THIS BILL, YOU HAVE TO NOT ONLY ACKNOWLEDGE THOSE DANGEROUS SITUATIONS BUT YOU HAVE TO TELL PEOPLE ABOUT THEM. SO THAT WHEN YOU WALK ON THE PROPERTY BEFORE YOU CAN EVER GET ANYWHERE NEAR ANY OF THIS STUFF, IF YOU WANT TO BE COVERED BY THIS BILL, YOU WILL HAVE TO BE NOTIFIED OF EVERYTHING OUT THERE, NOT JUST WHAT YOU'RE USING FOR THE AGRITOURISM STUFF, BUT ANY EQUIPMENT THAT'S ON THE PREMISES OR STRUCTURE OR ANIMAL, FOR THAT FACT. [LB329]

SENATOR BOLZ: THAT'S HELPFUL. I DO THINK THE SOCCER MOM WOULD APPRECIATE KNOWING WHAT DANGERS TO BE AWARE OF IN THESE SETS OF CIRCUMSTANCES. BUT, SENATOR SCHILZ, IS WARNING ENOUGH? IS THE AVERAGE SOCCER MOM GOING TO KNOW THAT SHE SHOULD BE PAYING ATTENTION TO CERTAIN...YOU KNOW, RUST ON EQUIPMENT OR WILL SHE EVEN KNOW THE

Floor Debate
May 07, 2015

RIGHT QUESTIONS TO ASK? AND WHAT IF THE EQUIPMENT FAILS? CAN YOU JUST HELP ME UNDERSTAND HOW TO THINK OF THIS FROM A PARENT'S PERSPECTIVE? [LB329]

SENATOR SCHILZ: SURE, ABSOLUTELY. AND HAVING BEEN ON A FARM MY WHOLE LIFE, THERE ARE SITUATIONS OUT THERE THAT CAN BE DANGEROUS. AND THERE'S EQUIPMENT OUT THERE THAT IS DANGEROUS. WE'RE DEALING WITH A LOT OF THINGS THAT ARE LARGE SCALE. AND SO AS I LOOK AT THIS, IT DOES FALL UPON THE LANDOWNER TO MAKE SURE THAT SOMEONE SUCH AS YOURSELF OR A PARENT UNDERSTANDS THE RISKS THAT ARE OUT THERE. AND THEY HAVE TO DISCLOSE THAT, OTHERWISE THIS ACT DOESN'T COVER THEM. AND I WOULD THINK THAT ANYBODY THAT IS DOING THIS ON A PROFESSIONAL LEVEL THAT WANTS TO CHARGE MONEY FOR THAT IS GOING TO UNDERSTAND THAT IT'S IMPORTANT THAT THEY DON'T HAVE TO DEAL WITH THIS LATER ON AND THAT THEY DEAL WITH IT UP FRONT. SO I THINK THAT ONCE THEY SEE THE LAW THAT'S IN PLACE, THEY WILL COME UP WITH PROCEDURES THAT MAKE SURE THAT ALL OF THAT IS ACCOUNTED FOR. [LB329]

SENATOR BOLZ: I WOULD CERTAINLY HOPE SO AND I WOULD GENERALLY THINK THE BEST OF NEBRASKANS AND NEBRASKA BUSINESS OWNERS. I GUESS I REMAIN SOMEWHAT CONCERNED ABOUT THE DIFFERENCE BETWEEN WARNING ABOUT INHERENT RISKS AND HAVING A PROACTIVE INCENTIVE TO MAKE SURE THAT EQUIPMENT AND MACHINERY ARE TO THE GREATEST DEGREE POSSIBLE SAFE FOR KIDS... [LB329]

SENATOR SCHEER: ONE MINUTE. [LB329]

SENATOR BOLZ: ...AND MAKING SURE THAT WE ARE THINKING ABOUT CHILDREN'S SAFETY WHEN WE'RE THINKING ABOUT AGRITOURISM. JUST FROM MY OWN PERSONAL EXPERIENCE, I THINK THAT WHAT WORKS ON A FARM AND WHAT WORKS IN A PLACE THAT'S SAFE FOR KIDS ARE TWO VERY DIFFERENT THINGS. AND I JUST WANT TO MAKE SURE THAT AS WE MOVE FORWARD WE'RE THINKING ABOUT THE SOCCER MOM'S PERSPECTIVE AND THINKING ABOUT WHETHER OR NOT WE'RE PUTTING ENOUGH RESPONSIBILITY ON THE OWNER OF SOMEONE WHO'S RUNNING AN AGRITOURISM BUSINESS TO MAKE SURE THAT THEIR EQUIPMENT AND PROPERTY ARE AS SAFE AS REASONABLY POSSIBLE. THANK YOU, MR. PRESIDENT. [LB329]

Floor Debate
May 07, 2015

SENATOR SCHEER: THANK YOU, SENATOR SCHILZ AND SENATOR BOLZ. SENATOR McCOLLISTER. [LB329]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I SERVE ON THE NATURAL RESOURCES COMMITTEE AND I HEARD THE TESTIMONY ON THIS BILL. AND I WAS QUITE TAKEN BY THE TESTIMONY OF THE PEOPLE THAT WOULD ACTUALLY CONDUCT THESE TOURS AND OFFER TOURISM OPPORTUNITIES THAT...FOR PEOPLE THAT WOULD COME THROUGH NEBRASKA. YES, OMAHA HAS ITS GOOD ATTRACTIONS, HENRY DOORLY ZOO, THE CHILDREN'S MUSEUM, THE DURHAM MUSEUM. BUT NEBRASKA IS MUCH MORE THAN THAT. AND I'M SO HAPPY THAT THIS BILL HAS COME FORWARD. I APPRECIATE THE WORK OF SENATOR SCHILZ AND THE FACT SENATOR SCHNOOR PRIORITIZED THE BILL. AND I WOULD ENCOURAGE YOUR GREEN VOTE ON THE AMENDMENT, AM1580 AND ALSO LB329. THANK YOU, MR. PRESIDENT. [LB329]

SENATOR SCHEER: THANK YOU, SENATOR McCOLLISTER. THOSE WAITING IN THE QUEUE, SENATORS KRIST, HANSEN, MORFELD, CRAWFORD, AND OTHERS. SENATOR KRIST. [LB329]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. AGAIN, I'M GOING TO MAKE A POINT TODAY NOT NECESSARILY ON THIS BILL. I DON'T KNOW YET WHERE I STAND ON THE TWO AMENDMENTS AND THE BILL. BUT I'M GOING TO MAKE A COMMENT ABOUT THE REFERENCING AND THE CORRECT REFERENCING OF BILLS. THIS IS ANOTHER ONE THAT SHOULD HAVE GONE TO JUDICIARY AS OPPOSED TO WHERE IT WENT. SENATOR SCHILZ CAME INTO THE COMMITTEE, INTO THE EXEC BOARD, AND CONVINCED SOME MEMBERS OF THE EXECUTIVE BOARD--MOSTLY THE NEWER MEMBERS--THAT IT NEEDED TO BE REFERENCED SOMEPLACE FOR WHATEVER REASON. I WON'T SPECULATE. I WON'T SAY THAT SENATOR SCHILZ THOUGHT HE COULD GET IT OUT OF THAT COMMITTEE BUT NOT OUT OF ANOTHER COMMITTEE. BUT THE LACK OF RESPECT FOR THE COMMITTEE PROCESS AND REFERENCING NEEDS TO BE BROUGHT TO THE PUBLIC ATTENTION, NEEDS TO BE BROUGHT TO YOUR ATTENTION. WE DON'T NEED TO GAME THE SYSTEM. I TRUST EVERY COMMITTEE OF THIS LEGISLATURE TO GIVE A FAIR HEARING AND TO LOOK AT THINGS DOWN TO THE DETAIL BEFORE IT COMES TO THIS FLOOR. I WOULD CONJECTURE THAT THE REASON WE HAVE TWO AMENDMENTS HERE, AT LEAST ONE OF THE TWO AMENDMENTS, IS THAT PEOPLE WHO ARE TRIAL LAWYERS AND ARE WORRIED ABOUT LIABILITIES HAVE WEIGHED IN ON THIS AGAIN AFTER IT WAS KICKED OUT. MY OPINION; I'M ENTITLED TO THAT. I WILL MAKE THAT POINT IF IT EVER HAPPENS AGAIN AND I

Floor Debate
May 07, 2015

WILL TAKE BLAME FOR NOT BEING ABLE TO TRY TO STEER THE COMMITTEE IN THE DIRECTION OF DOING WHAT WAS RIGHT IN TERMS OF THE REFERENCING THIS PARTICULAR BILL IN THE FUTURE OR ANY OTHER BILL LIKE IT IN THE FUTURE. I THINK IT'S HAPPENED THREE TIMES THIS YEAR AND I'M NOT PROUD OF ANY OF THE THREE REFERENCING. SO I'VE MADE MY POINT. THE NEXT TIME ON THE MIKE I'LL TALK ABOUT THE TECHNICAL ASPECTS OF THE BILL AND WHETHER OR NOT I WILL SUPPORT IT. THANK YOU, MR. PRESIDENT. [LB329]

SENATOR SCHEER: THANK YOU, SENATOR KRIST. SENATOR HANSEN. [LB329]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE WITH SOME CONCERNS ABOUT LB329 AS I DO JUST KIND OF IN THE GENERAL REALM OF LIABILITY SHIELDS. I APPRECIATE THE CONCERNS OF THE AGRITOURISM INDUSTRY. I APPRECIATE THE CONCERNS OF THE TOURISM INDUSTRY AT LARGE AND CERTAINLY DO UNDERSTAND THAT WHEN ENGAGING IN CERTAIN BEHAVIORS THERE IS A PRICE IN TERMS OF INSURANCE AND RISK THAT COMES WITH THAT. HOWEVER, I THINK WE RUN THE RISK WITH LIABILITY SHIELDS OF, FRANKLY, SOMETIMES ACHIEVING ABSURD RESULTS. I PASSED OUT A HANDOUT. IT HAS MY INITIALS AND IT'S ENTITLED "SCENE OF FATAL IDAHO CORN MAZE ACCIDENT SHIELDED BY AGRITOURISM LAW." AND IF YOU READ THAT IT JUST TALKS ABOUT A SCENARIO IN WHICH AN 18-YEAR-OLD WAS HIT AND KILLED BY A BUS WHILE WORKING AT A CORN MAZE IN IDAHO. BECAUSE OF THE SITUATION, BECAUSE OF THE NATURE, THEY'RE COMPLETELY SHIELDED FROM LIABILITY. NOW THIS ISN'T TO SAY THAT WE KNOW FOR A FACT THAT THE OWNER OR THE BUS DRIVER IS 100 PERCENT NEGLIGENT, 100 PERCENT LIABLE. IT JUST GOES TO SHOW THAT SOMEONE CAN BE KILLED IN AN ACCIDENT THAT IF IT HAPPENED ON THE STREET THEY WOULD CERTAINLY GET THEIR DAY IN COURT. YOU KNOW IF I'M WALKING DOWN THE STREET TOMORROW AND I GET HIT BY A SCHOOL BUS, THERE ARE CERTAINLY PEOPLE WHO COULD BE ABLE TO HAVE THEIR DAY IN COURT, MY FAMILY, MY PARENTS COULD HAVE THEIR DAY IN COURT OVER THAT. BUT AT LEAST IN IDAHO, WHO PASSED AN AGRITOURISM LAW, THERE IS A FAMILY THAT CAN'T AFTER AN ACCIDENT THAT PRESUMABLY WOULDN'T BE COVERED IN ANY OTHER SITUATION. NOW I DON'T KNOW THE FULL DETAILS OF THE IDAHO LAW. I'M STILL WORKING THROUGH THE LAYERS OF AMENDMENTS HERE IN LB329. BUT I JUST WANTED TO START HAVING THAT OUT AND GETTING THAT IN PEOPLE'S MIND-SETS OF WHEN YOU START SHIELDING FOR LIABILITY, SURE, IT DOES PROBABLY REDUCE THE RISK OF INSURANCE. BUT THAT'S ONLY BECAUSE THERE ARE GOING TO BE INJURIES AND THERE ARE GOING TO BE VICTIMS WHO DON'T GET THEIR DAY IN COURT. WE'RE SAVING OURSELVES MONEY, WE'RE SAVING OURSELVES COST OF INSURANCE BY DENYING

Floor Debate
May 07, 2015

RESTITUTION TO PEOPLE WHO LIKELY NEED IT. AND SO THAT'S A LARGE CONCERN OF MINE AND A GREAT HESITATION WITH THIS BILL, BECAUSE FUNDAMENTALLY WHEN WE'RE TALKING ABOUT LAWSUITS, I KNOW LAWSUITS AND COURTS AND LAWYERS CERTAINLY GET A BAD WRAP FOR SOME RESULTS, AND PEOPLE CAN LOOK AT A RESULT LIKE THE McDONALD'S HOT COFFEE LAWSUIT AND HAVE A GOOD RANT ABOUT THE IRRESPONSIBLE ATTORNEYS. BUT AT THE END OF THE DAY WE'RE TALKING ABOUT, IN A SITUATION LIKE THIS, PEOPLE WHO ARE INJURED. IT'S ALREADY BEEN ACKNOWLEDGED MULTIPLE TIMES THAT CERTAIN ANIMALS, CERTAIN PLACES ARE DANGEROUS. THERE ARE GOING TO BE INJURIES AND WE'RE GOING TO SAY, NO, MY INSURANCE...AS A BUSINESS OWNER, MY INSURANCE AS SOMEONE WHO'S MAKING A PROFIT AFTER SOME SORT OF AGRICULTURAL-RELATED ISSUE ISN'T GOING TO BE THE ONE THAT'S GOING TO COVER YOUR INJURIES. YOU HAVE TO GO FEND ON YOUR OWN. AND WE, AS A STATE, ARE GOING TO LOOK AT THAT AND WITH THIS BILL SEEM TO SANCTION THAT. SO I APPRECIATE THE CONCERNS, AGAIN, THAT IT'S PROBABLY HARD TO START UP A AGRITOURISM BUSINESS AND DEFINITELY WILL HAVE NO PROBLEM SUPPORTING OTHER AVENUES AND OTHER WAYS OF DOING THAT. BUT IT'S ONE OF THOSE SITUATIONS WHERE IF YOU'RE TELLING ME THE SOLUTION TO GET MORE TOURISM IN THE STATE IS TO DENY PEOPLE THEIR DAY IN COURT, IS TO NOT ALLOW INJURED VICTIMS THE OPPORTUNITY TO BE REDRESSED FOR THEIR INJURIES, THAT'S A CONNECTION, A TRAIN, A LINE OF THOUGHT I'M SIMPLY NOT FOLLOWING. I BELIEVE I'LL HAVE MORE TO SAY ON THIS AT A LATER POINT BUT THAT'S JUST MY INITIAL REACTION WHEN I SEE LIABILITY SHIELDS OF THIS...IS WHERE WE'RE COMING TO THE LEGISLATURE, WE'RE SAYING THIS INDUSTRY IS SO DANGEROUS THAT OUR INSURANCE IS SO EXPENSIVE... [LB329]

SENATOR SCHEER: ONE MINUTE. [LB329]

SENATOR HANSEN: ...THANK YOU, MR. PRESIDENT...THIS INDUSTRY CAN BE SO DANGEROUS IN CERTAIN CIRCUMSTANCES, THE INSURANCE CAN BE SO EXPENSIVE THAT WE JUST DON'T WANT TO PAY FOR IT, SO WE'RE ASKING TO NOT BE LIABLE. AND THAT'S JUST SOMETHING I DON'T FOLLOW. THANK YOU, MR. PRESIDENT. [LB329]

SENATOR SCHEER: THANK YOU, SENATOR HANSEN. SENATOR MORFELD. [LB329]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I SHARE SENATOR HANSEN'S LEGAL CONCERNS AS WELL. AND ONE OF OUR FUNDAMENTAL CONSTITUTIONAL

Floor Debate
May 07, 2015

RIGHTS IS ACCESS TO THE COURTS. AND I UNDERSTAND THAT IT IS A BALANCE. THE NONPROFIT THAT I RUN, ABOUT 70 PERCENT OF WHAT WE DO IS PROGRAMS THAT INVOLVE YOUTH AND THE SUPERVISION OF YOUTH. AND SO I UNDERSTAND ALSO LIABILITY AND I'VE BEEN IN THOSE SITUATIONS WHERE YOU'RE A LITTLE SCARED ABOUT LIABILITY AND YOUR ABILITY TO COVER IT AND WHETHER OR NOT YOUR LIABILITY INSURANCE IS, NUMBER ONE, AFFORDABLE AND THEN NUMBER TWO, SUFFICIENT. BUT I DO WANT TO NOTE SOME OF OUR CONSTITUTIONAL PROVISIONS THAT MAY RUN AFOUL OF THIS TYPE OF LEGISLATION. FIRST, ARTICLE I, SECTION 13 OF THE NEBRASKA CONSTITUTION PROVIDES THAT, "ALL COURTS SHALL BE OPEN, AND EVERY PERSON, FOR ANY INJURY DONE HIM OR HER IN HIS OR HER LANDS, GOODS, PERSON, OR REPUTATION, SHALL HAVE A REMEDY BY DUE COURSE OF LAW..." ALSO, LB329 MAY VIOLATE THE OPEN COURTS PROVISION THAT I JUST STATED. IN SECTION 4(2), BY PROHIBITING A PARTICIPANT FROM MAINTAINING AN ACTION TO RECOVER FOR INJURY IT CLOSES THE COURTS TO ANY PERSON DEFINED AS PARTICIPANTS IN THIS ACT. I WANT TO MAKE THAT CLEAR. IN ADDITION, IT MAY ALSO VIOLATE SECTION 13 BY ELIMINATING ANY REMEDY FOR INJURY DONE TO A PARTICIPANT IN HIS OR HER PROPERTY OR PERSON. I THINK IT'S IMPORTANT TO KEEP IN MIND THIS BALANCE, THE BALANCE BETWEEN BEING ABLE TO PROMOTE CERTAIN INDUSTRIES AND AGRITOURISM WHICH I THINK IS IMPORTANT, BUT ALSO ENSURING THAT WE DO NOT VIOLATE THE CONSTITUTION AND VIOLATE THE FUNDAMENTAL CONSTITUTIONAL RIGHT TO OPEN ACCESS TO THE COURTS. THANK YOU. [LB329]

SENATOR SCHEER: THANK YOU, SENATOR MORFELD. SENATOR CRAWFORD. [LB329]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND I WOULD LIKE TO ASK SENATOR SCHILZ TO YIELD TO A FEW QUESTIONS. [LB329]

SENATOR SCHEER: SENATOR SCHILZ, WILL YOU YIELD, PLEASE? [LB329]

SENATOR SCHILZ: YES, I WOULD. [LB329]

SENATOR CRAWFORD: THANK YOU, SENATOR SCHILZ. AND I APPRECIATE YOUR RESPONSIVENESS TO THE CONCERNS THAT I'VE RAISED WITH YOU ON THIS BILL. AND YOU AND I HAVE HAD SEVERAL DISCUSSIONS ABOUT HAYRACK RIDES, AS ONE EXAMPLE. AND SO I JUST WANTED TO GO THROUGH THAT ON THE FLOOR SO IT'S ON THE RECORD. AND SO WHAT WE'RE REALLY TALKING ABOUT HERE IS

Floor Debate
May 07, 2015

WE'RE TALKING ABOUT THE SECTION OF THE BILL THAT TALKS ABOUT ORDINARY DANGERS OF STRUCTURES OR EQUIPMENT ORDINARILY USED IN FARMING AND RANCHING WHEN SUCH STRUCTURES ARE USED FOR FARMING AND RANCHING PURPOSES. AND AGAIN, I KNOW THAT IN YOUR OPENING ON THIS YOU CLARIFIED THIS, BUT I JUST WANT TO CLARIFY IT AGAIN FOR THIS SPECIFIC CASE. SO WE HAVE A HAYRACK THAT IS ORDINARILY USED IN FARMING FOR TRANSPORTING BALES. AND IF THAT SAME HAYRACK IS USED IN AGRITOURISM AND IT HAS BALES ON IT BUT IT ALSO HAS CHILDREN ON IT AND IT IS DRIVING AROUND, THEN THAT WOULD NOT BE THE HAYRACK USED FOR ORDINARY FARMING PURPOSES. [LB329]

SENATOR SCHILZ: THANK YOU FOR THE QUESTION, AND THAT IS A GOOD QUESTION. I WOULD SAY THAT THAT WOULD BE CORRECT. WHERE IT WOULD BE USED FOR FARMING PURPOSES IS IF SOMEBODY WOULD ACTUALLY BE OUT THERE USING IT TO PITCH HAY INTO A FEED BUNK OR ACTUALLY LOADING HAY ON IT OR SOMETHING LIKE THAT. [LB329]

SENATOR CRAWFORD: OKAY. SO IF YOU ARE HAVING PEOPLE COME TO YOUR FARM TO THROW BALES THEN IT'S BEING USED FOR AGRICULTURE PURPOSE. IF YOU HAVE A HAYRACK WITH HAY ON IT BUT YOU HAVE CHILDREN AND ADULTS ON IT AND THEY ARE BEING DRIVEN AROUND THE FARM, THAT'S NOT AGRICULTURAL PURPOSES SO THAT WOULD NOT BE COVERED. IF THE SLATS AREN'T APPROPRIATE OR IF THERE'S OTHER DANGERS, THAT'S NOT COVERED BY THIS BILL BECAUSE WHEN PEOPLE ARE RIDING ON IT, THAT'S NOT THE AGRICULTURAL PURPOSE. IS THAT YOUR UNDERSTANDING? [LB329]

SENATOR SCHILZ: THAT IS MY UNDERSTANDING. [LB329]

SENATOR CRAWFORD: EXCELLENT. [LB329]

SENATOR SCHILZ: BUT WHAT I WOULD SAY IS THAT IF YOU HAVE A HAYRACK AND IT HAS BEEN USED TO DO THAT AND YOU HAVE BALES OVER HERE AND THOSE PARTICIPANTS LOAD THE BALES AND THEN GET ON THE HAYRACK TO TAKE THEIR RIDE AND THEN UNLOAD THE BALES AT ANOTHER PLACE, THEY COULD VERY WELL BE COVERED BY THIS. [LB329]

SENATOR CRAWFORD: THAT WOULD BE...OKAY, THAT WOULD BE PERHAPS AN EXCEPTION THAT THE JUDGE MIGHT CONSIDER. ALL RIGHT. [LB329]

Floor Debate
May 07, 2015

SENATOR SCHILZ: RIGHT. [LB329]

SENATOR CRAWFORD: NOW I WANT TO TALK ABOUT THAT A LITTLE MORE BROADLY. SO AT THE BOTTOM OF PAGE 1 WE HAVE A LIST OF AGRITOURISM ACTIVITIES AND IT INCLUDES A LONG LIST OF ACTIVITIES. AND, YOU KNOW IT'S BEEN A WHILE SINCE I'VE BEEN ON THE FARM, BUT I WAS JUST A LITTLE CURIOUS ABOUT CANOEING, KAYAKING, TUBING, AND WATER SPORTS AS AGRICULTURAL ACTIVITIES. NOW, I'M ASSUMING THAT THE PURPOSE HERE IS THE INHERENT RISKS OF THE LAND FOR THOSE OPPORTUNITIES. IS THAT CORRECT? [LB329]

SENATOR SCHILZ: CORRECT. CORRECT, YES. [LB329]

SENATOR CRAWFORD: OKAY. SO I JUST WANT TO CLARIFY THEN, THERE IS NO AGRICULTURAL PURPOSE TO A CANOE, IS THERE, IN YOUR UNDERSTANDING OF AGRICULTURE IN NEBRASKA? [LB329]

SENATOR SCHILZ: USUALLY NOT, BUT I WAS JUST THINKING OF A CASE WHERE WE HAD TO USE--AND I DON'T MEAN TO TAKE UP YOUR TIME--BUT WHERE WE HAD TO USE A BOAT TO GO OUT BECAUSE ONE OF OUR SUCTION TUBES THAT WAS ON ONE OF OUR PITS THAT WE PUT WATER THROUGH A PIVOT WITH GOT STUCK IN THE MUD. SO WE HAD TO GET IN A BOAT, ROW OUT THERE, AND PULL THAT OUT. [LB329]

SENATOR SCHEER: ONE MINUTE. [LB329]

SENATOR CRAWFORD: ALL RIGHT. ALL RIGHT. SO IN MY UNDERSTANDING THEN IS THE EQUIPMENT IN CANOEING, KAYAKING, TUBING, WATER SKIING WAS THE ORIGINAL WORD, NOW IT SAYS WATER SPORTS, THAT THOSE PIECES OF EQUIPMENT WOULD NOT BE COVERED BECAUSE THEY ARE NOT ORDINARILY USED FOR AGRICULTURAL PURPOSES AND IF YOU'RE WATER SKIING, THAT'S NOT AGRICULTURAL PURPOSES. AND I GUESS MY LAST QUESTION THAT YOU WON'T HAVE TIME TO ANSWER NOW BUT MAYBE YOU CAN ANSWER IT IN A FUTURE TURN IS, THAT SAME LIST IS VERY SIMILAR TO THE LIST WE ALREADY HAVE IN STATUTE FOR A RECREATIONAL LIABILITY STATUTE. AND SO MY QUESTION IS, WHY ARE WE CREATING A WHOLE NEW SECTION OF LAW INSTEAD OF AMENDING OUR RECREATIONAL LIABILITY STATUTES? YOU CAN ANSWER THAT WITH WHATEVER TIME I HAVE LEFT. [LB329]

Floor Debate
May 07, 2015

SENATOR SCHILZ: OKAY, YEAH. WELL, AND WE HAD DISCUSSED THIS AND PEOPLE WERE CONCERNED THAT WE DIDN'T WANT TO INTRUDE UPON THE RECREATIONAL LIABILITIES... [LB329]

SENATOR SCHEER: TIME, SENATORS. THANK YOU, SENATOR SCHILZ AND SENATOR CRAWFORD. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB329]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, WITH THE EXCEPTION OF TWO YEARS, I'VE SPENT ALL OF MY LIFE AROUND AGRICULTURE. I HAVE A LOT OF QUESTIONS ON THIS BILL. I LIKE THE IDEA, BUT I WONDER IF SENATOR SCHILZ WOULD YIELD TO A FEW QUESTIONS. [LB329]

SENATOR SCHEER: SENATOR SCHILZ, WILL YOU YIELD? [LB329]

SENATOR SCHILZ: YES. [LB329]

SENATOR BLOOMFIELD: THANK YOU, SENATOR SCHILZ. AS I UNDERSTAND THIS, IF YOU TAKE A FEE TO LET SOMEBODY COME ON YOUR LAND AND DO ANYTHING...FOR EXAMPLE, IF I LET SOMEONE FOR A FEE COME ON AND RIDE A SNOWMOBILE, AND THEY RIDE INTO A BARBED WIRE FENCE THAT GIVES THEM A PERMANENT SMILE FROM EAR TO EAR AND I DIDN'T TELL THEM THAT THEY SHOULDN'T RIDE INTO A BARBED WIRE FENCE, AM I LIABLE? [LB329]

SENATOR SCHILZ: YOU WOULD BE TO AN EXTENT BECAUSE YOU HAVE TO UNDERSTAND IT DEPENDS ON WHAT YOU'RE DOING FOR THAT ACTIVITY. AND ANYBODY THAT HAS LIVED ON A FARM UNDERSTANDS THAT IF YOU'RE ON A MOTORCYCLE OR A FOUR-WHEELER OR SOME KIND OF A VEHICLE OR A PIECE OF EQUIPMENT LIKE THAT, THAT A BARBED WIRE FENCE CAN BE A DANGEROUS HAZARD AND CONDITION. [LB329]

SENATOR BLOOMFIELD: OKAY. WHAT IF I ALLOW THEM TO COME ON AND HUNT AND THEY TRIP OVER A STICK IN THE WOODS AND SHOOT THEMSELVES? AM I LIABLE BECAUSE I DID NOT TELL THEM THERE WERE LIABLE TO BE STICKS ON THE GROUND IN THE WOODS? [LB329]

SENATOR SCHILZ: NO. THAT IS AN ACTUAL INHERENT RISK OF THE LAND, YES, SO YOU WOULD BE COVERED UNDER THIS. [LB329]

Floor Debate
May 07, 2015

SENATOR BLOOMFIELD: OKAY. I COULD STAND HERE AND ASK DIFFERENT SUCH QUESTIONS ALL AFTERNOON. I DON'T KNOW THAT IT WOULD DO US ANY GOOD. I LIKE THE IDEA BEHIND THIS BUT I'M A LITTLE HESITANT. IF SENATOR SCHILZ HAS ANYTHING FURTHER TO ADD, HE CAN HAVE MY TIME. [LB329]

SENATOR SCHEER: SENATOR SCHILZ, YOU'RE YIELDED 2 MINUTES AND 45 SECONDS. [LB329]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR BLOOMFIELD. SENATOR CRAWFORD HAD ASKED ABOUT THE RECREATIONAL LIABILITY ACT AND HOW THIS IS DIFFERENT FROM THAT. AND I'VE JUST GOT A PAGE HERE THAT I'M GOING TO READ FROM. THE RECREATIONAL LIABILITY ACT PROVIDES THAT UNLESS THE NON-FEE CHARGING LANDOWNER MALICIOUSLY OR WILLFULLY FAILS TO WARN A GUEST ABOUT A DANGEROUS CONDITION, AN OWNER OF THE LAND OWES NO DUTY OF CARE TO KEEP THE PREMISES SAFE FOR ENTRY OR USE BY OTHERS FOR RECREATIONAL PURPOSES OR TO GIVE ANY WARNING OF A DANGEROUS CONDITION, STRUCTURE, OR ACTIVITY. THE AGRITOURISM PROMOTION ACT ON THE OTHER HAND ALLOWS PROTECTION FOR LANDOWNERS WHO CHARGE A FEE, BUT PUTS REQUIREMENTS ON THE LANDOWNER TO TAKE REASONABLE PRECAUTIONS AND REQUIRES NOTICE AND WARNINGS TO BE PROVIDED TO PARTICIPANTS FOR DANGEROUS CONDITIONS ON THE PREMISES, INCLUDING STRUCTURES AND EQUIPMENT. SO THERE'S THAT AND I HOPE THAT ANSWERS SENATOR CRAWFORD'S QUESTIONS. AND I'VE GOT THAT HERE SO SHE CAN LOOK AT IT OR IT'S ON THE RECORD, SHE CAN GET IT IN THE TRANSCRIPT. ONE OTHER THING I STARTED TO SEE HERE AND I KNOW WE'VE GOT A THING HANDED OUT FROM SENATOR HANSEN HERE ABOUT A DEATH OF A GUY IN A CORN MAZE. WELL, THIS WOULD NOT APPLY IN NEBRASKA. THIS NEW LIABILITY LAW WOULD NOT APPLY TO THIS CASE BECAUSE AS WE DID SOME MORE RESEARCH--AND I THANK SENATOR SCHUMACHER FOR THAT--WHAT WE FOUND OUT WAS THIS PERSON WAS AN EMPLOYEE OF THE OWNER AND SO THIS BILL WOULD NOT APPLY TO THIS SITUATION. [LB329]

SENATOR SCHEER: ONE MINUTE. [LB329]

SENATOR SCHILZ: THANK YOU. AND I'VE GOT SOME OTHER STUFF AND I HAVE MY LIGHT ON BUT I WANT TO READ SOME STUFF INTO THE RECORD, BUT I'LL WAIT UNTIL I'M RECOGNIZED AGAIN. THANK YOU, MR. PRESIDENT. [LB329]

Floor Debate
May 07, 2015

SENATOR SCHEER: THANK YOU, SENATORS SCHILZ AND BLOOMFIELD. SENATOR SCHILZ, YOU ARE RECOGNIZED. [LB329]

SENATOR SCHILZ: OKAY, THANK YOU. AND I'VE BEEN ASKED THESE QUESTIONS AND I WOULD LIKE TO GET SOME THINGS ON THE RECORD FOR FOLKS THAT WANT THIS OUT THERE. AND THE FIRST QUESTION, IS THERE ANY REQUIREMENT THAT EQUIPMENT AND STRUCTURES BE WELL-MAINTAINED? IT IS MY INTENTION THAT EQUIPMENT AND STRUCTURES USED IN AGRITOURISM ACTIVITIES BE WELL-MAINTAINED. THE BILL, AS AMENDED, PROVIDES THAT IF AN OWNER KNOWS OF A PARTICULAR DANGEROUS CONDITION ON THE PREMISES, HE OR SHE MUST MAKE THE DANGER KNOWN TO THE PARTICIPANT. THAT IS IN SECTION 5(1) ON PAGE 3 OF AM1580. THE BILL WOULD ALSO IN SECTION 5(2) REQUIRE AN OWNER WHO SHOULD HAVE REASONABLY KNOWN OF A PARTICULAR DANGEROUS CONDITION OF EQUIPMENT TO MAKE THE PARTICIPANT AWARE OF THE DANGER. ALSO REFER TO SECTION (3)(c) ON PAGE 2 OF THE AMENDMENT, WHERE ONLY THE ORDINARY DANGERS OF THE STRUCTURES OR EQUIPMENT ORDINARILY USED IN FARMING OR RANCHING OPERATIONS WHEN THE STRUCTURES OR EQUIPMENT ARE USED FOR FARMING OR RANCHING OPERATIONS. ANY EQUIPMENT OR STRUCTURES NOT TYPICALLY USED FOR FARMING OR RANCHING DO NOT MEET THE DEFINITION OF INHERENT RISKS AND ARE NOT COVERED. IF A PARTICIPANT IS INJURED BY EQUIPMENT AND STRUCTURES ORDINARILY USED IN FARMING OR RANCHING, AN OWNER MAY CLAIM IMMUNITY UNDER THE AGRITOURISM PROMOTION ACT, BUT IT DOES NOT PROTECT FROM OTHER CAUSE OF ACTION AN INJURED PERSON MAY HAVE AGAINST THE OWNER, SUCH AS NEGLIGENCE. IT IS OBVIOUSLY IN THE OWNER'S BEST INTEREST AND IT IS IN THE LEGISLATURE'S INTENTION THAT OWNERS MAINTAIN AND KEEP THEIR EQUIPMENT AND STRUCTURES SAFE. THIS LAW DOES NOT PROTECT AGAINST AN INJURY THAT DOES NOT COME FROM AN ORDINARY DANGER OF THE EQUIPMENT OR THE STRUCTURE. AND THEN THE NEXT QUESTION. DOES THIS COVER THE NEIGHBOR'S CHILD WHO COMES OVER TO PLAY WITH A CHILD WHO LIVES ON THE AGRITOURISM PREMISES? OR DOES THIS COVER THE CHILD FROM THE CITY WHO STAYS WITH THE FARM FAMILY FOR A COUPLE OF WEEKS? DOES THIS NEGATE THE NEED FOR THE FAMILY RESIDING ON THE AGRITOURISM PREMISES TO SUPERVISE THAT CHILD? AND THESE TYPES OF CASES ARE HIGHLY DEPENDENT ON THE FACTS OF EACH INDIVIDUAL CASE. IT IS IMPORTANT TO REMEMBER THAT AN ACTION AGAINST AN OWNER, IF A PARTICIPANT IS INJURED ON THE OWNER'S PREMISES, WILL INVOLVE A NUMBER OF LEGAL PRINCIPLES AND EACH CASE WILL USUALLY DEPEND ON THE SPECIFIC FACTS ON WHICH A COURT MUST DECIDE. I WANT TO MAKE IT CLEAR FOR THE RECORD THAT IT IS NOT MY INTENTION THAT LB329

Floor Debate
May 07, 2015

RELIEVE THE OWNER OF A DUTY TO EXERCISE REASONABLE CARE ON HIS OR HER LAND FOR BENEFIT OF VISITORS, WHETHER THE VISITOR IS AN AGRITOURISM PARTICIPANT OR A CITY KID VISITING THE FAMILY FARM. THE PURPOSE OF THIS ACT IS TO PROTECT THE LANDOWNER, OR A LANDOWNER, FROM LIABILITY FOR INJURIES OCCURRING DUE TO RISKS INHERENT TO THE LAND ONLY. SO I HOPE THAT THAT HELPS FOLKS UNDERSTAND THAT. AND WE HAVE WORKED VERY HARD TO NARROW THIS DOWN TO WHERE WE MAKE SURE THAT WE'VE COVERED EVERYTHING WE WANT TO BUT WE DON'T LET IT BE TOO BROAD. SO WITH THAT...AND I KNOW THAT THIS BILL HAS BEEN...WELL, WHEN I SAY THIS BILL, AT LEAST A VERSION OF THIS BILL HAS BEEN INTRODUCED...I THINK IT STARTED OUT IN--FROM MY CURRENT MEMORY--AROUND 2009, MAYBE EARLIER THAN THAT. I KNOW SENATOR LAUTENBAUGH INTRODUCED A SIMILAR BILL. SENATOR COASH ALSO INTRODUCED A SIMILAR BILL. I INTRODUCED THE BILL TWICE NOW. AND THIS IS THE CULMINATION OF ALL THOSE YEARS AND ALL THAT WORK TO GET IT TO THIS POINT. SO THANK YOU, MR. PRESIDENT.
[LB329]

SENATOR SCHEER: THANK YOU, SENATOR SCHILZ. THOSE WAITING IN THE QUEUE, SENATOR HAAR, DAVIS, COASH, GROENE, AND OTHERS. SENATOR HAAR.
[LB329]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I BASICALLY LIKE THE IDEA OF THIS BILL AND I'M A BIG FAN OF ECOTOURISM OR AGRITOURISM, WHATEVER YOU CARE TO CALL IT IN THIS CASE. AND WE'VE DONE THAT A NUMBER OF TIMES AND IT'S BEEN A GREAT EXPERIENCE. AND I'D LIKE TO ASK SENATOR SCHILZ A COUPLE OF QUESTIONS. [LB329]

SENATOR SCHEER: SENATOR SCHILZ, WILL YOU YIELD? [LB329]

SENATOR SCHILZ: YES. [LB329]

SENATOR HAAR: THANK YOU, SENATOR SCHILZ. KIDS...STILL OF SOME CONCERN TO ME IS THIS FACT. KIDS COMING FROM THE CITY WHO SPEND MOST OF THEIR TIME SITTING IN FRONT OF AN iPad PLAYING GAMES OFTEN DON'T HAVE ANY CONCEPT OF THE DANGERS IN THE COUNTRY. AND ALTHOUGH I DON'T HAVE AN iPad AND I DON'T PLAY GAMES, I MOVED FROM THE CITY TO AN ACREAGE. AND ONE DAY I SAW A SNAPPING TURTLE CROSSING THE ROAD AND I STOPPED AND I WAS GOING TO GRAB THAT SNAPPING TURTLE AND MOVE HIM OFF OF THE ROAD AND ALMOST GOT SNAPPED. AND THEN MY GRANDSON, WHO AT THE TIME WAS

Floor Debate
May 07, 2015

REALLY INTO ANIMALS, INFORMED ME OF WHAT A LONG NECK THOSE CRITTERS HAVE. ANOTHER EXAMPLE, I SAW A LARGE BULLSNAKE THAT WAS...HE WAS SO LONG THAT HE WAS STRETCHED ACROSS THE ROAD. AND I KNEW THAT THE NEXT CAR MIGHT DRIVE ACROSS THAT SNAKE AND SO I STOPPED TO REMOVE HIM--HAVING WATCHED A LOT OF SHOWS ON TELEVISION--AND THAT BULLSNAKE COILED UP AND HE STRUCK AT ME AND LUCKILY I WASN'T CLOSE ENOUGH. I MEAN, THOSE ARE JUST SOME EXAMPLES OF SOMEBODY WHO...I THOUGHT I KNEW ABOUT SOME OF THESE CRITTERS AND I DIDN'T. HOW WOULD CHILDREN FROM THE CITY BE PROTECTED FROM THAT? [LB329]

SENATOR SCHILZ: WELL, AND I THINK THAT WHAT YOU HAVE TO LOOK AT IS THAT WITHIN THE BILL IT ALL COMES UNDER THE POINT THAT IF THEY'RE A PARTICIPANT AND THEY'RE DOING THIS AND IT'S FOR A FEE, OR EVEN NOT, THAT THERE IS AN EXPECTATION OF SUPERVISION OF CHILDREN, I MEAN, NO MATTER WHAT YOU DO. A 10-YEAR-OLD OR A 12-YEAR-OLD, I THINK ANYBODY UNDERSTANDS THAT THERE IS AN EXPECTATION OF SUPERVISION THERE. I ALSO BELIEVE THAT WHEN YOU LOOK AT THIS IN THE SCENARIOS THAT YOU WERE TALKING ABOUT, IF WE WERE GOING OUT AND DOING SOME THINGS AND YOU KNEW OF THOSE KIND OF DANGERS...YOU KNOW NOW, MOST OF THE TIME YOU'RE NOT GOING TO FIND A BULLSNAKE THAT CAN DO ANY REAL DAMAGE, BUT A SNAPPING TURTLE CAN TAKE THE END OF YOUR FINGER OFF, THERE'S NO DOUBT ABOUT THAT. WILD ANIMALS SHOULD ALWAYS BE UNDERSTOOD AS BEING UNPREDICTABLE. AND BECAUSE OF THAT, WITHIN THAT WARNING THAT GOES OUT, YOU WOULD HAVE TO MAKE SURE THAT PEOPLE UNDERSTAND THAT WILD ANIMALS DO UNPREDICTABLE THINGS AND THEY CAN BE DANGEROUS, SO BE CAREFUL. AND THEN IF THERE WOULD BE CHILDREN THERE, IT WOULD BE MY UNDERSTANDING THAT THERE WOULD BE SOMEBODY THERE--EITHER A PARENT AND/OR A GUIDE OF SOME SORT--TO MAKE SURE THAT THEY DIDN'T GET THEMSELVES IN HARM'S WAY. [LB329]

SENATOR HARR: SO THAT IT WOULDN'T BE ASSUMED THAT CITY KIDS OR CITY PARENTS OR CITY ELDERS WOULD HAVE THIS KIND OF KNOWLEDGE, THEY'D BE INFORMED OF THAT? [LB329]

SENATOR SCHILZ: THAT'S ABSOLUTELY CORRECT. [LB329]

SENATOR HAAR: OKAY. AND ALSO THINGS LIKE POISON IVY, AND NETTLES AND... [LB329]

Floor Debate
May 07, 2015

SENATOR SCHEER: ONE MINUTE. [LB329]

SENATOR SCHILZ: YES, AND THAT WOULD BE SOMETHING THAT YOU WOULD DEFINITELY WANT TO TELL FOLKS ABOUT BECAUSE THAT'S NO FUN. [LB329]

SENATOR HAAR: OKAY. WELL, ALL THESE THINGS I WISH CITY KIDS WOULD LEARN ABOUT AND WOULD GO OUT TO THESE KIND OF FACILITIES AND LEARN ABOUT, BUT THOSE ARE JUST SOME OF MY CONCERNS. THANK YOU VERY MUCH. [LB329]

SENATOR SCHEER: THANK YOU, SENATOR SCHILZ AND SENATOR HAAR. SENATOR DAVIS, YOU ARE RECOGNIZED. [LB329]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I MAY BE THE ONLY PERSON IN HERE WHO'S KIND OF HAD EXPERIENCE IN THIS BUSINESS BECAUSE MY WIFE AND I RAN A GUEST RANCH ESSENTIALLY AT OUR PLACE FOR SEVERAL YEARS IN THE EARLY NINETIES. IN FACT, WE WERE FEATURED IN THE TRAVELER MAGAZINE IN...I BELIEVE IT WAS THE '93 ISSUE. SO I WANT TO...I THOUGHT MAYBE I COULD TALK A LITTLE BIT ABOUT HOW THAT WORKED AND WHAT...HOW WE HANDLED THINGS. WE TRIED TO FIND INSURANCE FOR OUR OPERATION. IT WAS A...YOU KNOW, IT WAS A SUCCESSFUL LITTLE BUSINESS, BUT THAT'S ALL IT WAS, WAS A LITTLE BUSINESS. WE JUST NEVER GENERATED A LOT OF REVENUE EVEN THOUGH WE HAD GUESTS ON A FAIRLY REGULAR BASIS BECAUSE WE DIDN'T HAVE ENOUGH SPACE AND WE DIDN'T HAVE THE...YOU KNOW, WE WEREN'T FULL ALL THE TIME. SO THE INSURANCE WAS JUST NOT FEASIBLE. IT WAS JUST NOT AFFORDABLE. IT HAD TO DO WITH THE ACRES AND EVERYTHING ELSE AND REALLY DIDN'T DRILL DOWN SO MUCH INTO THE ACTIVITIES. SO WE ESSENTIALLY JUST WINGED IT. AND, OF COURSE, THAT WAS A FOOLISH THING TO DO AND A RISKY THING TO DO, BUT FORTUNATELY WE WERE LUCKY ENOUGH TO NOT HAVE ANY INJURIES. BUT I'M GOING TO TELL YOU A COUPLE LITTLE STORIES AND THEN I'M GOING TO ASK SENATOR SCHILZ A QUESTION ABOUT IT. WE DID HORSEBACK RIDING ON OUR PLACE AND WE DID SOME HUNTING THINGS. I TOOK THEM ON JEEP TOURS. I HAD A SAILBOAT. I'D TAKE THEM SAILING IF THEY WANTED TO DO THAT. SO WITH REGARD TO THE HORSEBACK RIDING, I HAD BOUGHT A BUNCH OF VERY TAME HORSES. BUT I HAD...WHEN I WAS GETTING STARTED, I HAD CHILDREN THAT WOULD BE GUESTS THERE AT OUR PLACE AND THEY WOULD COME RIGHT OUT AND WALK RIGHT UP TO THE HORSES. AND SO FINALLY I WOULD SAY TO THEM, YOU KNOW, YOU'RE GOING TO HAVE TO STAY BACK AWAY FROM THESE HORSES UNTIL WE GET THEM

Floor Debate
May 07, 2015

SADDLED. SO THAT SAID, I WONDER IF SENATOR SCHILZ WOULD YIELD TO A QUESTION. [LB329]

SENATOR SCHEER: SENATOR SCHILZ, WILL YOU YIELD, PLEASE? [LB329]

SENATOR SCHILZ: YES, I WILL. [LB329]

SENATOR DAVIS: SO, SENATOR SCHILZ, I DON'T KNOW IF YOU WERE LISTENING TO MY STORY, BUT SO YOU'VE GOT A SITUATION WHERE THE CHILD WALKS UP TO THE HORSE AND HASN'T BEEN INFORMED ABOUT WHAT HORSES ARE LIKE. IS THAT CASE GOING TO BE COVERED? [LB329]

SENATOR SCHILZ: I WOULD SAY...ONCE AGAIN THAT DEPENDS ON THE CASE, BUT I WOULD SAY IF THAT LANDOWNER KNOWS THAT THERE IS A DANGER IN GETTING CLOSE TO THAT HORSE THAT THAT PERSON, THE PARTICIPANT, NEEDS TO BE INFORMED OF THAT DANGER AND TOLD OF THAT DANGER. [LB329]

SENATOR DAVIS: AND IF THAT ISN'T THE CASE, THEN THE WAY THIS LAW WILL NOT APPLY. CORRECT? [LB329]

SENATOR SCHILZ: THAT IS CORRECT. [LB329]

SENATOR DAVIS: SO I THINK WHAT SENATOR SCHILZ IS TRYING TO TELL EVERYBODY HERE IS THAT WHAT WE'RE TRYING TO DO IS MAKE THIS AN AFFORDABLE OPTION FOR FOLKS WHO ARE TRYING TO GET STARTED IN A BUSINESS THAT HAS A GREAT POTENTIAL IN NEBRASKA, BUT THE PROTECTIONS ARE STILL IN PLACE FOR PEOPLE WHO MAY BE INJURED BECAUSE THE LANDOWNER DIDN'T TELL THEM THE PROPER PROCEDURES AND PROTOCOLS. I THINK THIS IS A REALLY GOOD BILL. AND I WANT TO TALK A LITTLE BIT ABOUT THE SANDHILLS AND THE WESTERN PART OF THE STATE BECAUSE THIS IS WHERE I THINK WE'RE GOING TO SEE THIS REALLY TAKE OFF. IT'S...THE BARRIER HAS BEEN THE AFFORDABILITY OF INSURANCE ALL ALONG AND ALL ALONG. THIS IS GOING TO BE FOR SMALLER ENTITIES. YOU KNOW, SO IF YOU'RE OVER A CERTAIN AMOUNT IN GROSS RECEIPTS, YOU'RE GOING TO BE EXEMPT FROM IT, YOU'RE GOING TO HAVE TO BUY INSURANCE. I HAVE A CONSTITUENT AT THE CALAMUS RIVER--YOU PROBABLY HEARD OF THE BIRDING OPERATION THERE--AND THEIR INSURANCE IS UPWARDS OF I THINK AROUND \$50,000 A YEAR. SO, YOU KNOW, OBVIOUSLY THEY DO PRETTY WELL WITH THEIR BUSINESS OR THEY

Floor Debate
May 07, 2015

WOULDN'T STILL BE DOING IT, BUT THAT'S A HUGE HIT FOR THEM. WHAT SENATOR SCHILZ HAS IN MIND HERE IS A WAY TO REVITALIZE RURAL NEBRASKA THROUGH THE DEVELOPMENT OF ECOTOURISM. IT'S GOING TO BE DOLLARS THAT COME FROM OUT OF STATE, OUT OF THE COUNTRY. WHEN WE DID THE GUEST RANCH IN THE NINETIES... [LB329]

SENATOR SCHEER: ONE MINUTE. [LB329]

SENATOR DAVIS: ...EVEN IN THE '90s I HAD GUESTS FROM GERMANY, I HAD GUESTS FROM FRANCE. YOU KNOW, SO IT WAS A GREAT LITTLE INCENTIVE. WE HAD PEOPLE FROM CHICAGO, FROM NEW YORK THAT CAME. WE'RE GOING TO EXPOSE PEOPLE TO NEBRASKA AND THIS IS A BABY STEP IN GETTING IT DONE, AND IT'S GOOD PUBLIC POLICY. AND WITH THAT, I WILL YIELD THE REST OF MY TIME TO SENATOR SCHILZ IF HE'D LIKE IT. [LB329]

SENATOR SCHEER: SENATOR SCHILZ WAIVES. THANK YOU, SENATOR SCHILZ AND SENATOR DAVIS. (VISITORS INTRODUCED.) IN THE QUEUE WAITING, SENATOR COASH, GROENE, HILKEMANN, FRIESEN, AND OTHERS. SENATOR COASH. [LB329]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I APPRECIATE SENATOR SCHILZ BRINGING THIS BILL. AS HE MENTIONED, THERE WERE ATTEMPTS AT THIS APPROACH IN PREVIOUS YEARS, ONE OF THOSE ATTEMPTS WAS A BILL THAT I BROUGHT AND WAS OBVIOUSLY UNABLE TO GET PASSED. AND SO I OBVIOUSLY STAND IN SUPPORT OF LB329. AND IT MAY HAVE BEEN SAID EARLIER, BUT I'VE GOT A COUPLE OF THINGS I WANT TO PUT ON THE RECORD AND REMIND MY COLLEAGUES OF. IN NEBRASKA WE HAVE THREE MAIN INDUSTRIES: AGRICULTURE, WE HEAR A LOT ABOUT THAT ON THIS FLOOR; MANUFACTURING, WE DON'T HEAR ENOUGH ABOUT THAT ON THIS FLOOR; AND OUR THIRD LARGEST INDUSTRY IN OUR STATE IS TOURISM, AND I THINK THAT IS IMPORTANT TO PUT ON THE RECORD. I AM GLAD TO SEE TOURISM TAKING A RIGHTFUL SPOT AT NUMBER THREE IN SOME OF THE THINGS THAT WE HAVE GOING ON IN THIS LEGISLATURE. SENATOR MELLO'S BILL ON THE ZOOS IS IN RECOGNITION THAT TOURISM IS OUR NUMBER THREE INDUSTRY. THIS BILL THAT WE'RE DISCUSSING NOW IS IN RECOGNITION THAT TOURISM IS OUR NUMBER THREE INDUSTRY. AND IN THE SEVEN YEARS THAT I'VE BEEN HERE, I'VE SEEN US DO WHATEVER WE CAN FOR NUMBER ONE. I'VE SEEN US DO WHAT WE CAN FOR NUMBER TWO, AND NOW WE'VE GOT THIS YEAR TWO BILLS THAT IS TRYING TO PROP UP OUR NUMBER THREE INDUSTRY. I WANT TO MAKE SURE YOU UNDERSTAND A COUPLE OF THINGS THAT THIS ISN'T UNCHARTED

Floor Debate
May 07, 2015

TERRITORY, COLLEAGUES. WE'RE NOT OUT ON AN ISLAND WITH LB329 ELIMINATING ALL RESPONSIBILITY OF FARMERS AND RANCHERS WHO WANT TO OPEN UP THEIR OPERATION FOR...TO SHOWCASE OUR STATE, TO IMPROVE THE ECONOMIC DEVELOPMENT OF THEIR AREA. THIS IS NOT UNCHARTED TERRITORY. AND WE'VE HAD THE REC LIABILITY ACT FOR AT LEAST EIGHT YEARS. THAT WAS PUT IN RIGHT BEFORE I GOT HERE. AND WE'VE HAD A COURT CASE THAT'S HELPED GIVE US A LITTLE BIT OF GUIDANCE ON THIS AS WELL. AND IN THAT CASE, IT BECAME CLEAR, AND I'LL PUT IT ON THE RECORD, HODSON V. TAYLOR, IT BECAME CLEAR THAT BECAUSE OF THIS CASE, THERE IS NO EFFECT ON THE DUTIES TO SUPERVISE AS PUT FORTH IN LB329. NEGLIGENT, POOR-MANAGED FARMS AND RANCHES WILL BE HELD ACCOUNTABLE. THIS DOES NOT REMOVE ANY DUTY TO BE A GOOD ACTOR. YOU CAN STILL BE HELD ACCOUNTABLE. IT DOES NOT REMOVE THE DUTY TO SUPERVISE. SO I WANT TO MAKE SURE THAT WE GET THAT ON THE RECORD. I WANT TO MAKE SURE PEOPLE UNDERSTAND WHAT WE ARE ACTUALLY DOING HERE. AND MOST OF ALL I WANT YOU TO UNDERSTAND HOW IMPORTANT THIS IS TO OUR NUMBER THREE INDUSTRY. AND THIS IS GOING TO HAPPEN OUTSIDE OF THE URBAN AREAS, AND THAT'S GOING TO HELP THE URBAN AREAS. THIS IS NOT A BILL FOR RURAL NEBRASKA, JUST AS THE ZOO BILL THAT WE TALKED ABOUT EARLIER IS NOT A BILL FOR URBAN NEBRASKA. THIS IS A BILL FOR THE WHOLE STATE BECAUSE WHEN WE PROP UP THIS NUMBER THREE INDUSTRY, WE PROP UP OUR STATE. I'M GLAD SENATOR SCHILZ IS HERE AND HE'S BROUGHT THIS BILL, AND IF HE WANTS THE REMAINDER OF MY TIME, I WOULD YIELD IT TO HIM. THANK YOU, MR. PRESIDENT. [LB329]

SENATOR SCHEER: SENATOR SCHILZ, YOU'RE YIELDED 1 MINUTE. [LB329]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. AND I JUST IN HAVING THE CONVERSATIONS WITH SENATOR BOLZ AND SENATOR PANSING BROOKS AND EVERYONE ELSE, WE ARE LOOKING AT AND WE WILL WORK ON THIS FOR SELECT FILE TO MAKE SURE THAT THIS DOES NOT RELIEVE AN OWNER FROM THE DUTY TO MAINTAIN AND INSPECT EQUIPMENT AND STRUCTURES USED IN AGRITOURISM ACTIVITIES JUST TO MAKE SURE THAT THOSE THINGS THAT THEY HAD TALKED ABOUT WITH THE CHILDREN AND SUPERVISION AND THINGS LIKE THAT ARE UNDERSTOOD AND CLARIFIED IN THE BILL. SO WITH THAT, THANK YOU, MR. PRESIDENT. [LB329]

SENATOR SCHEER: THANK YOU, SENATOR SCHILZ AND SENATOR COASH. SENATOR GROENE, YOU'RE RECOGNIZED. [LB329]

Floor Debate
May 07, 2015

SENATOR GROENE: THANK YOU, MR. PRESIDENT. WHEN SENATOR SCHILZ BROUGHT THIS TO ME, OR I THINK I ASKED HIM ABOUT IT BECAUSE MY LOCAL TOURISM, COUNTY TOURISM BUREAU CONTACTED ME AND TOLD ME TO LOOK AT THE BILL, AND I DID. THEN I CALLED SENATOR SCHILZ AND ASKED IF I COULD BE A COSPONSOR, AND I DID. YOU KNOW, WE TALK ABOUT URBAN AND RURAL AND I HEAR SOME OF THE URBAN SENATORS TALKING ABOUT RURAL. YOU NEED TO GET OUT THERE AND YOU NEED TO TAKE YOUR KIDS OUT ON A FARM. IT'S NOT A DANGEROUS PLACE. THIS WILL HELP THE URBAN PEOPLE UNDERSTAND THAT YOU'RE WELCOME IN THE COUNTRY. YOU'RE WELCOME TO DRIVE OUR COUNTRY ROADS. YOU'RE WELCOME TO DRIVE ON OUR FARM PLACES, AND YOU'D BE SURPRISED IF YOU KNOCKED ON THE DOOR THE GREETING YOU WOULD GET. BUT WHEN YOU'RE AFRAID YOU'RE GOING TO GET SUED, THAT CHANGES RELATIONSHIPS. WE DON'T NEED TO LOOK AFTER ONE OCCUPATION, THE TRIAL LAWYERS, IN THIS ISSUE. THIS IS A SITUATION WHERE WE CAN BETTER THE RELATIONSHIP BETWEEN URBAN AND RURAL. AND IT'S LOCAL TOO. PEOPLE FROM NORTH PLATTE WANT TO GO TO THE COUNTRY. WE HAVE FOLKS WHO HAVE...ALLOW PEOPLE ON ACREAGES WITH THEIR HORSES AND COME OUT AND RIDE THEIR HORSES ON LAND. WE'VE GOT PEOPLE THAT OWN HORSES AND THINGS AND HAVE PEOPLE COME OUT AND TAKE TRAIL RIDES. WE'VE GOT CANOE TRIPS. AND WE'D HAVE MORE OF IT. IT'S NOT A SCARY PLACE, A FARM. IT'S NOT A DANGEROUS PLACE. I MEAN, I COME TO THE CITY WITH MY GRANDKIDS AND I SEE ANY STREET INTERSECTION, YOU TRUST PEOPLE GOING 40 MILES AN HOUR TO STOP. THAT'S SCARY. THAT'S ALL IN THE VIEWPOINT. BUT FARMS ARE A FRIENDLY PLACE. WILDLIFE, ANIMALS. THIS NEEDS TO PASS. IT'S JUST COMMON SENSE. I UNDERSTAND A LOT OF STATES AROUND US HAVE IT. WE NEED TO MAKE SURE THAT WE DON'T BE DOMINATED BY FEAR OF BEING SUED, FEAR OF LIFE, FEAR OF GETTING OUT OF BED IN THE MORNING. THERE'S DANGER EVERYWHERE. I MEAN, YOU'RE GOING TO CLIMB ON A TREE IN YOUR BACK YARD IN THE CITY AND YOU MIGHT GET HURT. YOU CLIMB ON A PIECE OF FARM EQUIPMENT IF YOU'RE FOOLISH ENOUGH, THE PARENTS ALLOW THEM TO DO THAT, THEY MIGHT FALL OFF JUST LIKE THEY FALL OFF A TREE. BUT LIFE IS WHAT IT IS, HAS SOME DANGERS. IT MAKES IT A LITTLE MORE EXCITING. BUT THIS IS NEEDED. AND YOU'RE WELCOME TO COME OUT ON OUR RURAL ROADS. I GOT A RURAL PLACE IF YOU WANT TO CALL ME, YOU CAN BRING YOUR GRANDKIDS OUT. I'LL LET THEM WALK AROUND, CANOE DOWN THE RIVER. BUT LET'S...THIS URBAN-RURAL THING THAT YOU FEAR US, YOU THINK WE'RE A DANGEROUS PLACE, WELL, WE GOT MOUNTAIN LIONS NOW. I DO FEAR THEM. I CARRY SOMETHING WITH ME NOW WHEN I WALK CERTAIN PARTS OF MY LAND, BECAUSE WE HAVE THEM THERE. BUT I LIKE THEM. I LIKE THOSE ANIMALS. I LIKE THEM ALL. BUT ANYWAY, LET'S PASS THIS. LET'S GO ON.

Floor Debate
May 07, 2015

LET'S GET ALONG. YOU TALK ABOUT URBAN-RURAL, WHAT I'VE HEARD SOME OF THE REMARKS, THAT AMAZED ME. HAVE YOU GUYS EVER BEEN OUT OF THE CITY? I'M AFRAID WE DON'T MOW OUR PASTURES. WE DON'T PUT WOOD CHIPS ON WALKWAYS LIKE YOU HAVE IN YOUR PARKS. IT'S KIND OF EXCITING. YOU DON'T KNOW WHAT'S AROUND THE NEXT BEND. GETS YOUR BLOOD PUMPING. COME OUT AND WALK AROUND OUT THERE. SO LET'S PASS THIS. LET'S GO ON, AND LET'S START A LITTLE COTTAGE INDUSTRY OUT THERE AND A LITTLE MORE FRIENDSHIP. YOU KNOW, PEOPLE WANTING TO HUNT TOO. THAT USED TO BE A TRADITION IN SECOND... [LB329]

SENATOR SCHEER: ONE MINUTE. [LB329]

SENATOR GROENE: ...AND THIRD GENERATION PEOPLE WHO MOVED TO THE CITIES CAME OUT AND HUNTED. THERE'S KIND OF AN ANIMOSITY OUT THERE NOW, WORRIED ABOUT GETTING SUED ON THAT TYPE OF ENDEAVORS. THAT NEEDS TO CHANGE, TOO, BECAUSE A LOT MORE PEOPLE WOULD LET YOU HUNT THEIR LAND IF THEY DIDN'T THINK YOU HAD A TRIAL LAWYER IN YOUR TRUNK. SO LET'S PASS THIS. THANK YOU. [LB329]

SENATOR SCHEER: THANK YOU, SENATOR GROENE. THOSE WAITING TO SPEAK: SENATOR HILKEMANN, FRIESEN, PANSING BROOKS, HANSEN, AND BLOOMFIELD. SENATOR HILKEMANN. [LB329]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. NEBRASKA IS A REAL TREASURE, AND I'VE HAD THE WONDERFUL OPPORTUNITY OF HAVING RIDDEN ACROSS THE STATE NOW FOUR TIMES ON MY BRAN RIDE AND I'M VERY MUCH LOOKING FORWARD SIX WEEKS FROM TODAY, I WILL HAVE COMPLETED MY FIFTH BRAN RIDE ACROSS OUR STATE AND TO AN AREA THAT I HAVE NOT VISITED BEFORE. SO I'M LOOKING FORWARD TO IT. IN FACT, IF YOU COME DOWN TO MY OFFICE SOMETIME, YOU'LL SEE ALL THE LITTLE PINS OF ALL THE SMALL COMMUNITIES. HAVING BEEN RAISED IN NORTHEAST NEBRASKA AND TAUGHT IN SOUTHEAST NEBRASKA THAT I DO HAVE A GREAT APPRECIATION FOR THIS STATE. THIS BILL MAKES A LOT OF SENSE, THAT WE SHOULD ENCOURAGE TOURISM IN THE STATE OF NEBRASKA. I DO HAVE A COUPLE OF QUESTIONS ON THIS. SENATOR SEILER, I WONDER IF SENATOR SEILER WOULD YIELD TO A QUESTION. [LB329]

SENATOR SCHEER: SENATOR SEILER PRESENT? [LB329]

Floor Debate
May 07, 2015

SENATOR HILKEMANN: OKAY. I HAD VISITED WITH HIM EARLIER. YOU KNOW, WE'RE REAL...THE BIG THING WE ALL SEEM TO BE TALKING ABOUT, THE LIABILITY ISSUES AND THOSE ARE HUGE. AND THEY NEED TO BE ADDRESSED. HAVING BEEN A PRACTITIONER OF MEDICINE FOR OVER 37 YEARS, I ALWAYS WAS CONCERNED ABOUT LIABILITY. WE SIGNED...HAD PEOPLE SIGN DOCUMENT AFTER DOCUMENT AFTER DOCUMENT, BUT IF SOMEONE WANTED TO SUE YOU, THEY COULD STILL FIND A WAY TO SUE YOU. AND I'M WONDERING IF THAT'S NOT A LITTLE BIT WHAT THIS BILL IS ABOUT, AND I'M WONDERING IF THROUGH SENATOR SCHILZ AND THROUGH THE...LIKE SENATOR SEILER, IF THEY CAN WORK TOGETHER AND RECTIFY THE CONCERNS THAT THEY HAVE REGARDING THE LIABILITY THAT'S THERE. I'M WONDERING IF SENATOR SCHILZ WOULD YIELD TO A QUESTION. [LB329]

SENATOR SCHEER: SENATOR SCHILZ, WILL YOU YIELD, PLEASE? [LB329]

SENATOR SCHILZ: YES. [LB329]

SENATOR HILKEMANN: SENATOR, WOULD YOU BE WILLING TO WORK WITH THE JUDICIARY COMMITTEE AND TRY TO GET THIS BILL AMENDED SO THAT IT ANSWERS THEIR CONCERNS? [LB329]

SENATOR SCHILZ: IN FACT, THAT'S WHAT WE'VE BEEN DOING SINCE THE BILL WAS INTRODUCED, AND THAT'S WHAT YOU SEE REFLECTED IN AM1580 AND AM1042. AND WE WILL CONTINUE TO WORK ON THOSE, AS I SAID THE LAST TIME I SPOKE, TO MAKE SURE THAT THE FURTHER ISSUES THAT THE TRIAL ATTORNEYS HAD WILL BE ADDRESSED AND INCORPORATED INTO THE LAW. [LB329]

SENATOR HILKEMANN: PERFECT. I THINK THAT'S WHAT WE NEED TO DO. THIS IS GOOD LEGISLATION. IT'S GOOD FOR THE STATE OF NEBRASKA, AND I WOULD JUST ENCOURAGE ALL PEOPLE THAT...ONE OF THE THINGS THAT MY WIFE AND I HAVE SAID OVER THE YEARS AS WE'VE...IS THAT WE PROBABLY DIDN'T HAVE...WE TOOK OUR KIDS ON A LOT OF VACATIONS. WE WISH MORE OF THOSE VACATIONS WOULD HAVE JUST BEEN RIGHT HERE AT HOME IN NEBRASKA. AND WE HAVE A FANTASTIC STATE. LET'S MAKE IT COMFORTABLE FOR PEOPLE TO COME. THERE'S GOING TO BE...I WANT TO THANK SENATOR McCOLLISTER. HE GAVE ME A WONDERFUL ARTICLE THAT WAS IN NEBRASKA LIFE MAGAZINE YESTERDAY OF THE EXPERIENCES OF ONE OF THE BRAN RIDERS LAST YEAR. AND IT'LL BE COMING AROUND HERE. IT'S WORTH THE FIVE-MINUTE OR TEN-

Floor Debate
May 07, 2015

MINUTE READ OF IT. IT GIVES YOU A LITTLE APPRECIATION. THAT'S VERY MUCH HOW I WAS IN MY FIRST BRAN. YOU GET OUT AND YOU START FOR THE FIRST TIME, YOU JUST GET THIS MAGNIFICENT, THE SMELLS, THE SIGHTS. WE HAVE A GREAT STATE. LET'S ENJOY IT. AND LET'S ENCOURAGE EVERYBODY TO ENJOY NEBRASKA. THANK YOU. [LB329]

SENATOR SCHEER: THANK YOU, SENATOR HILKEMANN. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB329]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I RISE TODAY TO SUPPORT LB329 AND I THINK IT'S A GOOD START. THERE'S GOING TO BE A LOT OF QUESTIONS COME UP DOWN THE ROAD, AS MORE AND MORE OF THIS OPPORTUNITY IS TAKEN ADVANTAGE OF. WITH THE DISCONNECT BETWEEN AGRICULTURE AND THE PEOPLE WHO EAT THESE DAYS, WE'RE SEVERAL GENERATIONS APART NOW, AND THERE'S A LOT OF DISCUSSION IN THE URBAN AREAS NOW ON WHERE OUR FOOD COMES FROM. AND THERE'S A LOT OF QUESTIONS ALWAYS BEING RAISED, AND I THINK IT'S...THIS IS THE TIME THAT AGRITOURISM CAN SPARK A LOT OF INTEREST. THERE'S A LOT OF PEOPLE WHO DON'T UNDERSTAND THE PROCESS THAT WE DO TO RAISE THEIR FOOD. AND IF THEY COULD VISIT AND LOOK AT A FARM AND PARTICIPATE IN MAYBE ONE OF THE OPERATIONS OR ANOTHER, I THINK THEY WOULD FURTHER UNDERSTAND WHY WE HAVE THE CHEAPEST, SAFEST FOOD SUPPLY IN THE WORLD. AND SO I THINK THIS IS JUST A SMALL OPPORTUNITY. YES, THERE'S GOING TO BE QUESTIONS RAISED DOWN THE ROAD. ANYTIME A START-UP BUSINESS EXPANDS THEIR HORIZON, SO TO SPEAK, THERE'S GOING TO BE ISSUES THAT COME UP. THIS IS JUST A VERY, VERY SMALL PIECE THAT HELPS THESE BUSINESSES START. THERE'S STILL A LOT OF ISSUES OUT THERE THAT I HOPE WE CAN ADDRESS IN THE FUTURE. THIS IS JUST A SMALL PART THAT WILL MAYBE HELP THEM GET ESTABLISHED. AND WE CAN WORK MORE ON THIS DOWN THE ROAD. BUT I DO THINK THAT IT'S A VERY SMALL STEP. IT DOES NOT ABSOLVE ANY LIABILITY. THERE'S A LOT OF COVERAGE THERE YET. THERE'S A LOT OF THINGS THAT NEED TO BE DONE. AND ONE THING I WANTED TO MAKE CLEAR, TOO, IS THAT SOME OF US ALLOW PEOPLE TO COME ONTO OUR FARMS AND WE DON'T CHARGE. I HAVE A LAKE ON MY PROPERTY THAT I ALLOW PEOPLE TO...THEY CAN COME FISH, BOAT, SWIM. I DO NOT CHARGE. I WANT IT TO REMAIN THAT WAY. THOSE STATUTES NEED TO STAY. THAT...I HAVE NO LIABILITY IF I DON'T CHARGE. I WANT TO KEEP IT THAT WAY FOR THOSE THAT CHOOSE TO CHARGE, I THINK THIS GIVES THEM THAT OPPORTUNITY TO DO THAT. THANK YOU, MR. PRESIDENT. [LB329]

Floor Debate
May 07, 2015

SENATOR SCHEER: THANK YOU, SENATOR FRIESEN. SENATOR PANSING BROOKS. [LB329]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I AM STANDING...MAY I PLEASE ASK SOME QUESTIONS OF SENATOR SCHILZ? [LB329]

SENATOR SCHEER: SENATOR SCHILZ, WILL YOU YIELD? [LB329]

SENATOR SCHILZ: SURE. [LB329]

SENATOR PANSING BROOKS: THANK YOU SENATOR SCHILZ. I GUESS I WAS WANTING...I'VE BEEN IN AND OUT TALKING TO VARIOUS PEOPLE AND TRYING TO WRAP MY BRAIN ABOUT THIS BECAUSE I DO THINK IT'S IMPORTANT THAT WE SUPPORT AGRITOURISM. I THINK IT'S FUN. IT THINK IT'S ECONOMICALLY GREAT FOR OUR STATE. AND SO I'M GENERALLY IN FAVOR OF TRYING TO CREATE SOME PROTECTIONS AS LONG AS THEY'RE FAIR AND THAT THEY AREN'T UNNECESSARILY GIVING AWAY THE FARM, SO TO SPEAK. ANYWAY, I'M WONDERING ABOUT SUPERVISION AND I UNDERSTAND THAT THERE'S A CASE. DID YOU QUOTE THE CASE OR ANY OF THE HOLDING FROM HODSON V. TAYLOR, WHICH IS A NEBRASKA SUPREME COURT CASE THAT CAME OUT, ACTUALLY LAST MONTH? ACTUALLY IT WAS MARCH. [LB329]

SENATOR SCHILZ: YEAH, I HAVE...I AM NOT FAMILIAR ENOUGH WITH THAT TO SAY YES. [LB329]

SENATOR PANSING BROOKS: OKAY. BUT I THINK IT SPOKE TO SOME OF THE TOURISM. I WAS HANDED SOMETHING THAT GAVE AN EXAMPLE ABOUT IT, SO I WANT TO GET THIS ON THE RECORD, BECAUSE WHAT I'M CONCERNED ABOUT IS THE SUPERVISION PART OF THE BILL. IT DOES NOT REALLY SPEAK TO THAT. AND I THINK IT'S IMPORTANT THAT THE BUSINESS DOES NOT...IS NOT ABLE TO GIVE AWAY EVERY SINGLE PART OF THEIR DUTY TO SUPERVISE OR THEIR DUTY TO MAKE SURE THAT THINGS AREN'T INHERENTLY DANGEROUS. SO THE QUOTE THAT I'VE HEARD IS THAT SO, FOR EXAMPLE, CLAIMS AGAINST A LANDOWNER FOR FAILING TO PROPERLY SUPERVISE SCHOOL CHILDREN OR FOR FAILING TO PROPERLY TRAIN A PARTICIPANT ON HOW TO USE THE EQUIPMENT, SUCH AS AN ATV, WOULD NOT BE AFFECTED UNDER THE...BY THE AGRITOURISM LIABILITY ACT. THERE WOULD NOT BE A LIMITATION OF LIABILITY FOR FAILURE TO PROPERLY SUPERVISE OR TRAIN PARTICIPANTS. AND THAT'S UNDER HODSON V.

Floor Debate
May 07, 2015

TAYLOR, 290 NEBRASKA 348. SO IS THAT YOUR UNDERSTANDING TOO? I WANT TO GET THIS ON THE RECORD. [LB329]

SENATOR SCHILZ: THAT IS CORRECT. [LB329]

SENATOR PANSING BROOKS: COULD YOU SUMMARIZE AGAIN WHAT YOUR UNDERSTANDING OF THE DUTY TO SUPERVISE IS? [LB329]

SENATOR SCHILZ: AS I UNDERSTAND IT, AND I WILL...IF I'M MISTAKEN, ONCE AGAIN I WILL STAND UP AND FIX THAT, BUT AS I UNDERSTAND IT, WHEN YOU'RE DOING THIS AND YOU HAVE AN AGRITOURISM PARTICIPANT, THAT PARTICIPANT THEN, TO FALL UNDER THIS ACT, THE OWNER HAS THOSE CERTAIN DUTIES. AND WITH CHILDREN, IT'S MY UNDERSTANDING THAT THERE IS A HIGHER THRESHOLD FOR TAKING CARE OF THOSE THAN THERE WOULD BE FOR AN ADULT. AND SO IT IS MY UNDERSTANDING THAT WHEN CHILDREN ARE AROUND, IT MAY NOT BE JUST ENOUGH TO WARN THEM, BECAUSE YOU HAVE TO MAKE SURE THAT THEY ACTUALLY UNDERSTAND THE DANGERS. SO YOU'RE GOING TO HAVE TO DO MORE WITH THEM. AND I THINK THE COURTS WOULD SEE IT THAT WAY AS WELL. [LB329]

SENATOR PANSING BROOKS: SO YOU'RE SAYING THAT THERE WOULD BE A DUTY TO SUPERVISE ON THE OWNER AND OF THE BUSINESS? [LB329]

SENATOR SCHILZ: YES. [LB329]

SENATOR PANSING BROOKS: OKAY. AND UNDER HODSON V. TAYLOR, THE NEBRASKA SUPREME COURT GAVE SOME...AN ANALYSIS OF THE RECREATION LIABILITY ACT SO THAT THAT WOULD ALSO APPLY IN THIS CASE. AND LIKE THAT ACT, I BELIEVE WHAT YOU'RE SAYING IS THAT THE AGRITOURISM PROMOTION ACT PROTECTS LANDOWNERS AGAINST CLAIMS BASED ON PREMISES LIABILITY. IS THAT CORRECT? [LB329]

SENATOR SCHILZ: THAT IS CORRECT. [LB329]

SENATOR PANSING BROOKS: OKAY. SO I THINK THAT'S MY INITIAL QUESTION FOR RIGHT NOW. AND AGAIN... [LB329]

SENATOR SCHEER: ONE MINUTE. [LB329]

Floor Debate
May 07, 2015

SENATOR PANSING BROOKS: ...I THINK WE NEED TO JUST MAKE SURE THAT THERE IS...THAT WE'RE JUST NOT MAKING IT SO DANGEROUS THAT IT MAKES IT REALLY DIFFICULT FOR FAMILIES TO COME AND ENJOY A PROPERTY. BUT WE ALSO NEED TO MAKE SURE THAT PEOPLE CAN COME AND ENJOY PLACES, LIKE SENATOR DAVIS' EXAMPLE OF HIS PLACE, AND MAKE SURE THAT WE CAN HAVE THIS EDUCATIONAL VALUE FOR OUR CHILDREN. THANK YOU, MR. PRESIDENT. [LB329]

SENATOR SCHEER: THANK YOU, SENATOR SCHILZ AND SENATOR PANSING BROOKS. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB329]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. AND LET ME START OFF BY THANKING SENATOR SCHILZ FOR ADDRESSING THE CORN MAZE EXAMPLE I HAD PASSED OUT. AGAIN, I DIDN'T NECESSARILY THINK THE IDAHO LAW WAS A DIRECT CORRELATION, BUT I WANTED TO BRING UP THE IDEA OF THE POTENTIAL ABSURD RESULTS THAT HAPPEN ANYTIME WHEN YOU'RE DEALING WITH INCREASING OR CHANGING LIABILITY SHIELDS. THINGS THE AVERAGE PERSON WOULD ASSUME ARE PROTECTED FOR, SOMETIMES MAY NOT BE. I WANTED TO ADDRESS SENATOR GROENE'S POINT THAT THIS IS AN URBAN-RURAL DIVIDE AND THAT THE OPPOSITION TO THIS BILL, IF I CAN PARAPHRASE HIS POINT, IS THAT US URBAN FOLK ARE AFRAID OF FARMS. I WANT TO SAY THAT'S NOT THE CASE IN MY EXTENT. CERTAINLY I'VE SPENT TIME IN MY LIFE OUTSIDE OF THE GLEAMING METROPOLIS OF LINCOLN. YOU KNOW, LOOKING AT THE ACTIVITIES HERE COVERED, I'VE BEEN FISHING, SWIMMING, BACKPACKING, BOATING, TUBING, PICNICING. I'VE BEEN ON A FARM. I THINK I'VE BEEN ON A VINEYARD TOUR. I CERTAINLY HAVE ENGAGED IN MANY OF THESE ACTIVITIES. SO IT'S NOT A FEAR OR UNKNOWN THAT LEADS TO MY OPPOSITION AND HESITATION. IT'S DEALING FROM THE CONCEPT OF...AS SAID IN THE INTRODUCTION, IS THESE SMALL BUSINESSES ARE BEING HARMED BECAUSE OF INSURANCE. THE INSURANCE IS TOUGH TO PAY FOR. WELL, THAT'S HOW WE ADDRESS RISK IN A FREE ENTERPRISE SYSTEM IS YOU BUY INSURANCE. THAT'S A SMART MOVE. AND THE INSURANCE COMPANIES IN ORDER TO PROTECT THEIR OWN INVESTMENT, THEIR OWN INVESTORS, THEY CHARGE YOU BASED ON WHAT THEIR ACTUARIES SAY IS THE RISK OF THE ACTION. SO IF YOU'RE DOING SOMETHING THAT HAS...INSURANCE THAT'S OVERBURDENSOME OR UNWIELDY, THERE MIGHT BE SOME HESITATION THAT THE ACTION YOU'RE DOING HAS AT LEAST SOME RISK AND SOME INHERENT RISK. THE BILL, YOU KNOW, ADDRESSES INHERENT RISKS OF THE LAND, OF EQUIPMENT, OF ANIMALS. I DON'T THINK ANYBODY IS DENYING THAT THERE'S RISK. SO THAT'S KIND OF WHERE I WANTED TO CENTER ON. I CERTAINLY APPRECIATE THE INTENT TO GROW TOURISM.

Floor Debate
May 07, 2015

WE'VE HEARD SOME IMPASSIONED SPEECHES ABOUT TOURISM AND PROMOTING TOURISM, PROMOTING MORE PEOPLE COMING TO NEBRASKA. AND I'M CERTAINLY ALL ON BOARD OF THOSE EFFORTS. BUT IF THOSE EFFORTS ARE GOING TO COME AT THE EXPENSE OF NEBRASKANS, OF CITIZENS, OF TAXPAYERS GETTING INJURED, EVEN IF IT'S A FREAK ACCIDENT, GETTING INJURED AND NOT HAVING ANY RECOURSE, NOT HAVING A WAY TO PAY FOR THEIR MEDICAL BILLS, AND NOT HAVING A WAY TO GET BACK AT AN UNSAFE LANDOWNER, WHAT HAVE YOU, THOSE ARE MY CONCERNS. NOW I KNOW WE'VE HAD MANY DIFFERENT OPINIONS AND SENATOR SCHILZ SAYS...ALREADY GIVEN US SOME GOOD EXAMPLES OF WHAT DOES AND DOES NOT APPLY. SO WE COULD CERTAINLY ADDRESS THAT AS THIS GOES FORWARD. BUT THAT'S WHAT I WANT EVERYBODY TO KEEP IN MIND WHEN THEY'RE VOTING ON THIS, WHEN THEY'RE TALKING ABOUT LIABILITY SHIELD. WHEN WE'RE TALKING ABOUT THIS, WE'RE SAYING THINGS THAT WE KNOW JUST BY THE STATUTE, BY THE PROPOSED LANGUAGE, HAVE RISK AND WE'RE SAYING WE DON'T NECESSARILY WANT THE OWNERS TO BE LIABLE FOR. AND WE COULD TALK ABOUT THE DIFFERENT DUTIES OF CARE, THE DUTY TO SUPERVISE, THE DUTY TO INSPECT, ACTUAL KNOWLEDGE. WE COULD TALK ABOUT ALL THOSE ISSUES, AND I IMAGINE WE WILL AT VARIOUS POINTS OR...AND I APPRECIATE THE WORK THAT APPARENTLY HAS GONE ON BEHIND THE SCENES SUCH THAT WE DO HAVE AMENDMENTS ATTEMPTING TO MAKE LB329 BETTER. AND I WOULD THANK SENATOR SCHILZ FOR STARTING ON THAT PAGE. BUT I JUST WANTED TO RESCINDER THAT, THIS ISN'T URBAN-RURAL, THIS ISN'T WE'RE AFRAID OF HORSES OR WHAT HAVE YOU. [LB329]

SENATOR SCHEER: ONE MINUTE. [LB329]

SENATOR HANSEN: THANK YOU. IT'S THAT WE'RE CONCERNED THAT THERE'S GOING TO BE INJURED PEOPLE, THERE'S GOING TO BE INJURED CITIZENS, PEOPLE WE ARE SUPPOSED TO LOOK OUT FOR. WE GOT TO LOOK OUT FOR THE BUSINESSES BUT WE GOT TO LOOK OUT FOR THE PATRONS. AND SO I THINK ONE OF THE THINGS THAT PEOPLE REALLY EXPECT IS TO HAVE THEIR FAIR DAY IN COURT IF SOMETHING BAD HAPPENS TO THEM. AND THEN WE RUN THE RISK OF SOME SCENARIOS, WE COULD DEBATE OVER WHICH ONES, BUT THERE'S GOING TO BE SOME SCENARIOS WHERE SOMEONE IS GOING TO GET INJURED, SOMEONE IS GOING TO HAVE TERRIBLE THINGS HAPPEN TO THEM, AND THEY WON'T HAVE THEIR DAY IN COURT. THANK YOU, MR. PRESIDENT. [LB329]

SENATOR SCHEER: THANK YOU, SENATOR HANSEN. SENATOR BLOOMFIELD. [LB329]

Floor Debate
May 07, 2015

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I CERTAINLY INTEND TO SUPPORT THIS GOING FORWARD. I DO STILL HAVE SOME CONCERNS, AND I WONDER IF SENATOR SCHILZ WOULD YIELD TO A FEW MORE QUESTIONS. [LB329]

SENATOR SCHEER: SENATOR SCHILZ, WILL YOU YIELD? [LB329]

SENATOR SCHILZ: YES. [LB329]

SENATOR BLOOMFIELD: SENATOR SCHILZ, ALL OF US INVOLVED IN AGRICULTURE, IF WE GOT A LICK OF SENSE ABOUT US, CARRY A GOOD AMOUNT OF LIABILITY INSURANCE. IF I CHARGE A FEE, WE DISCUSSED THE OTHER DAY THAT IF YOU USE YOUR CAR TO MAKE MONEY, YOUR LIABILITY INSURANCE DOESN'T NECESSARILY COVER YOU. IF I CHARGE A FEE AND SOMEONE COMES ON MY PROPERTY, DO YOU KNOW WHETHER OR NOT MY REGULAR INSURANCE WOULD COVER ME AT THAT POINT OR DO I HAVE TO HAVE A SPECIAL INSURANCE? [LB329]

SENATOR SCHILZ: YOU WOULD PROBABLY HAVE TO HAVE SPECIAL INSURANCE IF YOU'RE DOING THAT AS A BUSINESS VENTURE, YES. [LB329]

SENATOR BLOOMFIELD: OKAY. ONE...AND I WILL HAVE A COUPLE MORE QUESTIONS IN A LITTLE BIT. ONE OF MY GRAVE CONCERNS, AND I PROBABLY SHOULDN'T CALL IT A GRAVE CONCERN, BUT ONE OF MY MAJOR CONCERNS, IS THAT WE'RE GOING TO PUT THIS LEGISLATION OUT AND SOME FARMERS ARE GOING TO SAY, WELL, THEY PASSED THAT LAW DOWN IN LINCOLN THAT REMOVES US FROM LIABILITY. WE'RE IN GOOD SHAPE TO GO CHARGE A FEE FOR THINGS. AND, COLLEAGUES, THEY'RE NOT. MY STRONG RECOMMENDATION TO ANYBODY THAT IS THINKING ABOUT DOING THIS IS TO HAVE A GOOD INSURANCE AGENT, AND A GOOD LAWYER, AND IF YOU DON'T HAVE BOTH OF THEM, HAVE A PLACE TO GO WHEN SOMEBODY ELSE TAKES OVER YOUR FARM. I ALSO HAVE A COUPLE MORE QUESTIONS ON WHAT WOULD BE COVERED AND WOULDN'T BE COVERED ON THIS IF SENATOR SCHILZ WOULD YIELD AGAIN. [LB329]

SENATOR SCHEER: SENATOR SCHILZ, WILL YOU YIELD? [LB329]

SENATOR SCHILZ: YES. [LB329]

Floor Debate
May 07, 2015

SENATOR BLOOMFIELD: KIND OF LIKE THE OTHER QUESTIONS I ASKED EARLIER. IF I ALLOW SOMEBODY TO COME ON AND RIDE HIS FOUR-WHEELER ON MY PROPERTY BECAUSE THERE ARE STEEP HILLS THERE AND HE ROLLS IT OVER AND I DIDN'T SAY DON'T RIDE YOUR FOUR-WHEELER UP THAT STEEP HILL, AM I LIABLE? [LB329]

SENATOR SCHILZ: IF IT'S HIS FOUR-WHEELER? [LB329]

SENATOR BLOOMFIELD: YES. [LB329]

SENATOR SCHILZ: CORRECT. HIS FOUR-WHEELER AND YOU KNOW THERE ARE STEEP CLIFFS AND THINGS LIKE THAT, AND YOU DIDN'T DISCLOSE THAT TO HIM, THEN YOU WOULD NOT BE COVERED BY THIS BILL. [LB329]

SENATOR BLOOMFIELD: SO IF HE GOES OUT AND RIDES IN THE HILLS AND ROLLS THE FOUR-WHEELER AND I DIDN'T TELL HIM THERE WERE HILLS THERE THAT HE MIGHT ROLL HIS FOUR-WHEELER ON, I'M LIABLE? [LB329]

SENATOR SCHILZ: YOU COULD BE. IT DEPENDS ON...IT DEPENDS ON THE SITUATION, BUT YOU COULD BE. [LB329]

SENATOR BLOOMFIELD: OKAY. THANK YOU. WHAT IF A YOUNG LADY OR GENTLEMAN, CHILD, SHOULD CRAWL THROUGH A FENCE AND GO WHERE THEY WEREN'T SUPPOSED TO BE AND I DIDN'T WARN THEM THAT THERE IS A 1,800-POUND BULL ON THE OTHER SIDE OF THE FENCE AND THEY REALLY SHOULDN'T CRAWL THROUGH THAT FENCE, AM I IN TROUBLE AGAIN? [LB329]

SENATOR SCHILZ: IT DEPENDS...I THINK IT WOULD DEPEND ON WHETHER OR NOT YOU SPECIFICALLY TOLD THEM NOT TO GO PAST THE FENCE. AND IF YOU DID, IF YOU DID, THEN I THINK THAT THIS WOULD COVER THAT. [LB329]

SENATOR BLOOMFIELD: OKAY. I AM GOING TO REITERATE TO ANY FARM INDIVIDUAL THAT MIGHT BE LOOKING AT THIS, HAVE A GOOD INSURANCE AGENT, A GOOD ATTORNEY, OR A DIFFERENT PLACE TO LIVE, BECAUSE YOU WON'T HAVE YOUR FARM LONG. THANK YOU. [LB329]

SENATOR SCHEER: THANK YOU, SENATOR SCHILZ AND SENATOR BLOOMFIELD.
SENATOR JOHNSON. [LB329]

Floor Debate
May 07, 2015

SENATOR JOHNSON: CALL THE QUESTION. [LB329]

SENATOR SCHEER: CALL OF THE QUESTION. DO I SEE FIVE HANDS? I DO. THE QUESTION BEFORE US, SHALL DISCUSSION CEASE? PLEASE VOTE YEA OR NAY. HAVE ALL VOTED THAT WISH? MR. CLERK. [LB329]

ASSISTANT CLERK: 27 AYES, 1 NAY TO CEASE DEBATE, MR. PRESIDENT. [LB329]

SENATOR SCHEER: SENATOR SCHILZ, YOU ARE WELCOME TO CLOSE ON AM1580. [LB329]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. THIS AMENDMENT GOES QUITE A WAYS IN MAKING THE CHANGES THAT EVERYBODY HAD AGREED TO IN THE BILL. WE WILL CONTINUE TO WORK ON FOR SELECT THE...SO THAT THE OWNER HAS A DUTY TO MAINTAIN AND INSPECT EQUIPMENT AND INSTRUCTORS USING THOSE AGRITOURISM ACTIVITIES, AND WE WILL CONTINUE THE DISCUSSION ON THE CASE OF CHILDREN AND SUPERVISION AND MAKE SURE THAT WE HAVE THAT IN THE POSITION THAT WE NEED IT TO BE. AND SO WITH THAT, I WOULD LIKE TO JUST APPRECIATE EVERYONE TAKING THE TIME TODAY. I KNOW EVERYBODY WANTS TO GET OUT OF HERE AND GET HOME FOR THE LONG MOTHER'S DAY WEEKEND, AND I DON'T WANT TO KEEP ANYBODY ANY LONGER THAN POSSIBLE. I KNOW THAT THIS ISSUE HAS BEEN OUT THERE FOR QUITE A WHILE. I APPRECIATE THE FACT THAT EVERYBODY IN THE LEGISLATURE IS AND HAS BEEN WILLING TO WORK ON THIS ISSUE AND HELP TO FIND THE LANGUAGE THAT WE NEED TO BE EFFECTIVE IN THIS BILL. SO I WOULD JUST ASK FOR YOUR SUPPORT FOR AM1580 TO AM1040. THANK YOU. [LB329]

SENATOR SCHEER: THANK YOU, SENATOR SCHILZ. THE QUESTION BEFORE YOU IS THE ADOPTION OF AM1580. HAVE ALL VOTED THAT WISH TO? MR. CLERK. [LB329]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB329]

SENATOR SCHEER: THE AMENDMENT PASSES. WE NOW ARE OPEN DISCUSSION ON AM1042. SEEING NO ONE WISHING TO SPEAK, SENATOR SCHILZ, YOU'RE WELCOME TO CLOSE. [LB329]

Floor Debate
May 07, 2015

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. AND AM1042 IS ANOTHER ONE OF THOSE STONES THAT WE NEED TO HAVE IN PLACE TO MAKE THE CHANGES THAT EVERYONE HAS AGREED TO. AND WITH THAT, I WOULD ASK FOR YOUR SUPPORT ON AM1042. THANK YOU. [LB329]

SENATOR SCHEER: YOU'VE HEARD THE CLOSING ON AM1042. THE QUESTION IS THE PASSAGE OF AM1042. HAVE ALL VOTED THAT WISH TO? MR. CLERK. [LB329]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB329]

SENATOR SCHEER: THANK YOU. WE NOW DISCUSSION ON LB329. SEEING NO ONE WISHING TO SPEAK, SENATOR SCHILZ TO CLOSE. [LB329]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. I THINK THAT THIS BILL, WHEN WE GET IT DONE AND PERFECTED, WILL HELP OUR INDUSTRY OUT THERE TO MOVE FORWARD. I THINK THAT IT IS IMPORTANT, AS SENATOR BLOOMFIELD SAID, THAT WE NEED TO MAKE SURE THAT EVERYBODY UNDERSTANDS THIS IS NOT, NOR WILL IT BE, A FREE-FOR-ALL WHEN IT COMES TO LIABILITY FOR LANDOWNERS FOR AGRITOURISM ACTIVITIES. AND I THINK ONCE AGAIN JUST FOR THE RECORD TO MAKE SURE THAT EVERYBODY UNDERSTANDS, WHEN WE TALK ABOUT WHETHER THIS BILL WOULD COVER THE CHILD FROM A CITY WHO STAYS WITH A FAMILY...A FARM FAMILY OR THE NEIGHBOR'S CHILD WHO COMES OVER, WE NEED TO REMEMBER THAT THESE TYPES OF CASES ARE HIGHLY DEPENDENT ON THE FACTS OF EACH INDIVIDUAL CASE. IT'S IMPORTANT TO REMEMBER THAT AN ACTION AGAINST AN OWNER, IF A PARTICIPANT IS INJURED ON THE OWNER'S PREMISES, WILL INVOLVE A NUMBER OF LEGAL PRINCIPLES AND EACH CASE WILL USUALLY DEPEND ON SPECIFIC FACTS ON WHAT A COURT MUST DECIDE. I WANT TO MAKE IT CLEAR FOR THE RECORD THAT THIS IS NOT MY...IT IS NOT MY INTENTION THAT LB329 RELIEVE THE OWNER OF A DUTY TO EXERCISE REASONABLE CARE ON HIS OR HER LAND FOR BENEFIT OF VISITORS, WHETHER THE VISITOR IS AN AGRITOURISM PARTICIPANT OR A KID FROM THE CITY VISITING THE FAMILY FARM. THE PURPOSE OF THIS ACT IS TO PROTECT A LANDOWNER FROM LIABILITY FOR INJURIES OCCURRING DUE TO RISKS INHERENT TO THE LAND ONLY. AND SO WE HAVE THAT. I ALSO WANTED JUST GIVE A SHOUT OUT TO OUR INSURANCE INDUSTRY HERE IN THE STATE. IT IS THE NUMBER THREE INDUSTRY. THIS BILL, THIS IDEA, THIS CONCEPT WAS PUT FORTH IN THE STUDY THAT THE TOURISM COMMISSION DID, AND IT'S ONE OF THOSE THINGS THAT THIS IS A

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Floor Debate
May 07, 2015

SITUATION WHERE YOU DON'T JUST SEE A STUDY SIT ON THE SHELF AND DO NOTHING. WE TOOK THE RECOMMENDATIONS OUT OF THERE AND HAVE MOVED FORWARD, AND IT HAS COME IN THE FORM OF LB329. SO WITH THAT, I WOULD APPRECIATE YOUR GREEN VOTE ON LB329, AND THANK YOU FOR THE OPPORTUNITY. [LB329]

SENATOR SCHEER: THE QUESTION IS THE ADVANCEMENT OF LB329 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB329]

ASSISTANT CLERK: 33 AYES, 1 NAY ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB329]

SENATOR SCHEER: THE BILL ADVANCES. ITEMS, MR. CLERK. [LB329]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. NOTICE OF COMMITTEE HEARING FROM GENERAL AFFAIRS. A COMMUNICATION FROM THE CLERK TO THE SECRETARY OF STATE'S OFFICE. (RE LB89 AND LB89A.) AMENDMENT TO BE PRINTED: SENATOR SULLIVAN TO LB525. HAVE A NOTICE OF COMMITTEE HEARING FROM THE RETIREMENT SYSTEMS COMMITTEE. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB195, LB287, LB291, LB296, LB310, LB412, LB422, LB424, LB479, LB511, LB513, LB515, LB640, ALL AS CORRECTLY ENGROSSED (ALSO LB375, LB408, AND LB541). THE BILLS THAT WERE READ ON FINAL READING THIS MORNING HAVE BEEN PRESENTED TO THE GOVERNOR AT 11:13 A.M. (RE LB72, LB72A, LB80, LB85, LB132, LB141, LB240, LB253, LB264, LB317, LB348, LB449, LB458, LB519, LB519A, LB561, LB414, LB610, LB610A.) HAVE AN AMENDMENT TO LB468 FROM SENATOR NORDQUIST TO BE PRINTED. NEW RESOLUTION: LR250, BY SENATOR CAMPBELL, WOULD PROPOSE AN INTERIM STUDY. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 1505-1507.) [LB89 LB89A LB525 LB195 LB287 LB291 LB296 LB310 LB375 LB408 LB412 LB422 LB424 LB479 LB511 LB513 LB515 LB541 LB640 LB72 LB72A LB80 LB85 LB132 LB141 LB240 LB253 LB264 LB317 LB348 LB449 LB458 LB519 LB519A LB561 LB414 LB610 LB610A LB468 LR250]

SENATOR SCHEER: THANK YOU, MR. CLERK. MR. CLERK, WE WILL PROCEED TO GENERAL FILE, LB643. [LB643]

ASSISTANT CLERK: MR. PRESIDENT, LB643, INTRODUCED BY SENATOR GARRETT. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 21 OF THIS

Floor Debate
May 07, 2015

YEAR. IT WAS REFERRED TO THE JUDICIARY COMMITTEE. THE COMMITTEE REPORTS THE BILL TO GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM1254, LEGISLATIVE JOURNAL PAGE 1217.) [LB643]

SENATOR SCHEER: SENATOR GARRETT, YOU'RE RECOGNIZED TO OPEN ON LB643. [LB643]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES, AND GOOD AFTERNOON, NEBRASKA. THIS IS FOR THE MOMS. I WOULD LIKE TO START OFF WITH A QUOTE. IF PEOPLE LET THE GOVERNMENT DECIDE WHAT FOODS THEY EAT AND WHAT MEDICINES THEY TAKE, THEIR BODIES WILL SOON BE IN AS SORRY A STATE AS THE SOULS WHO LIVE UNDER TYRANNY. THAT'S A QUOTE BY THOMAS JEFFERSON. COLLEAGUES, TODAY WE HAVE THE OPPORTUNITY TO MAKE A REAL DIFFERENCE IN THE LIVES OF NEBRASKANS. I'D LIKE TO START OFF BY THANKING MEMBERS OF THE JUDICIARY COMMITTEE WHO WORKED TIRELESSLY TO MAKE THE CANNABIS COMPASSION AND CARE ACT THE BEST THAT IT CAN POSSIBLY BE. I WOULD ALSO LIKE TO THANK THE SPEAKER FOR GETTING THIS, MY PRIORITY BILL, ON THE AGENDA. I ALSO HAVE TO THANK ALL THE NEBRASKANS, ESPECIALLY THE MOMS, WHO BROUGHT THIS BILL TO ME IN SEARCH FOR HELP FOR THEIR SICK AND AILING CHILDREN. I WOULD ALSO LIKE TO THANK SENATORS CRAWFORD AND DAVIS AND THE UNIVERSITY OF NEBRASKA PROFESSOR AND THE PARENTS WHO MADE THE FACT-FINDING TRIP WITH US TO COLORADO LAST SUMMER. I WOULD ALSO LIKE TO THANK MY 14 COLLEAGUES THAT SIGNED ON AS COSPONSORS OF THIS BILL. COLLEAGUES, REGARDLESS OF YOUR POLITICAL AFFILIATIONS WE ALL KNOW WHY WE'RE HERE, TO MAKE GOOD PUBLIC POLICY AND MAKE LIFE BETTER FOR ALL NEBRASKANS. I BELIEVE IN MY HEART OF HEARTS THAT WE ALL WANT TO MAKE THINGS BETTER FOR NEBRASKANS. WE OFTEN DIFFER PHILOSOPHICALLY ON HOW WE SHOULD GET THERE, BUT WE DO TRULY WANT WHAT IS BEST. LB643 IS ONE OF THE SOMEWHAT RARE OPPORTUNITIES WE CAN ALL GET BEHIND TO IMPROVE THE LIVES OF A MYRIAD OF NEBRASKANS. IF YOU WOULD HAVE TOLD ME A YEAR AGO THAT I WOULD BE SPONSORING A MEDICAL MARIJUANA BILL AS MY PRIORITY LEGISLATION, I WOULD HAVE TOLD YOU, YOU WERE NUTS. THAT WAS BECAUSE I HAD NO IDEA ABOUT HOW MANY PEOPLE WERE SUFFERING WITH DISEASES AND AILMENTS FOR WHICH CURRENT PRESCRIPTION MEDICATIONS ARE INEFFECTIVE AND THE EFFECTIVENESS OF MEDICAL MARIJUANA IN TREATING THOSE SAME AILMENTS. COLLEAGUES, I'M A DEEPLY SUSPICIOUS AND SKEPTICAL MAN. IT'S NOT ONLY PART OF MY DNA, IT'S DEEPLY EMBEDDED IN ME THROUGH MY PROFESSION. I DO HAVE SOME FIRSHTHAND KNOWLEDGE OF MEDICAL MARIJUANA DUE TO MY

Floor Debate
May 07, 2015

FATHER-IN-LAW'S STRUGGLE WITH THE EFFECTS OF CHEMOTHERAPY DURING TREATMENT FOR HIS PANCREATIC CANCER BACK IN 1978. THE CHEMOTHERAPY HE WAS UNDERGOING LEFT HIM WITH SEVERE NAUSEA AND A COMPLETE LACK OF APPETITE WHICH IN TURN LEFT HIM TOO WEAK TO TAKE ADDITIONAL TREATMENTS OR TO INTERACT WITH FAMILY. HIS ONCOLOGIST RECOMMENDED THAT HE FIND SOME MARIJUANA AS IT WOULD HELP MEDIATE THE EFFECTS OF THE CHEMOTHERAPY AND RESTORE HIS APPETITE. THE MARIJUANA THAT HE SMOKED DID EXACTLY WHAT THE DOCTOR SAID IT WOULD DO AND ALLOWED HIM TO CONTINUE HIS CHEMOTHERAPY TREATMENTS AND INTERACT WITH THE FAMILY. MY FATHER-IN-LAW DIED WITHIN THE YEAR FROM HIS CANCER, BUT HIS REMAINING MONTHS OF LIFE WERE GREATLY ENHANCED BY THE USE OF MARIJUANA. THAT WAS ALMOST 40 YEARS AGO. FOR THOSE OPPONENTS THAT SUGGEST WE WAIT FOR FDA APPROVAL I WOULD REMIND YOU, AS IF SUCH A REMINDER IS NECESSARY, THAT WASHINGTON, D.C. IS NOT JUST BROKE, IT'S HARD BROKE. NOTHING GETS DONE. ONE ONLY NEED LOOK AT THE IRS, THE EPA, THE STATE DEPARTMENT, SECRET SERVICE, THE VA AND, YES, CONGRESS AS GLOWING EXAMPLES. THE FDA HAS HAD A VERY LONG TIME TO MOVE OUT ON MEDICAL MARIJUANA AND HAS CHOSEN NOT TO DO SO. WITH ALL THE AVAILABLE INFORMATION OUT THERE AFFIRMING THE EFFICACY OF MEDICAL MARIJUANA, AND HOW IS IT THAT THE FDA HAS FAILED TO ACT. COLLEAGUES, THIS IS WHY 24 STATES, THE DISTRICT OF COLUMBIA, GUAM, AND PUERTO RICO HAVE TAKEN THE BULL BY THE HORNS AND PASSED THEIR OWN MEDICAL MARIJUANA BILLS. ADDITIONALLY, 12 STATES ARE CURRENTLY LOOKING AT PASSING MEDICAL MARIJUANA BILLS. THE PEOPLE IN THESE STATES, COLLEAGUES, AND THESE LEGISLATURES ARE NOT STUPID. LB643 HAS COME A LONG WAY SINCE WE FIRST INTRODUCED THE BILL. WE LOOKED AT THE MEDICAL MARIJUANA BILLS FROM ALL 24 STATES AND THE DISTRICT OF COLUMBIA AND GUAM TO FIND THE BEST AND BRIGHTEST IDEAS AS WELL AS THE DOG-DUMB, WHAT-THE-HECK-WERE-THEY-THINKING IDEAS. CLEARLY, SOME STATES HAVE DONE INFINITELY BETTER THAN OTHERS. THAT THIS IS THE BEAUTY OF OUR BILL, WE HAVE LEARNED FROM THOSE WHO HAVE GONE BEFORE. AND IN IT'S LATEST ITERATION OF OUR BILL IS MODELED AFTER THE MINNESOTA MEDICAL MARIJUANA BILL. IT'S A GOOD BILL AND IT ALLEVIATES ONE OF THE BIGGEST STICKING POINTS FOR A NUMBER OF YOU COLLEAGUES AND MEMBERS OF THE LAW ENFORCEMENT COMMUNITY. IT DOES NOT ALLOW FOR ANY SMOKING OF MEDICAL MARIJUANA. UNDER LB643, DOCTORS WILL ONLY BE ABLE TO PRESCRIBE MEDICAL MARIJUANA IN PILL OR ORAL FORM. I WISH YOU ALL COULD HAVE HEARD AND SEEN THE TESTIMONY WE HAD IN SUPPORT OF OUR BILL BEFORE THE JUDICIARY COMMITTEE. ONLY THE HARDEST OF HEARTS COULD NOT HAVE BEEN MOVED BY THE PROPONENT TESTIMONY. WE

Floor Debate
May 07, 2015

HAD OVER 100 PROPONENTS FROM ALL OVER NEBRASKA AS WELL AS NEBRASKANS WHO WERE LIVING IN OTHER STATES BUT WHO TOOK THE TIME AND EXPENSE TO TRAVEL BACK TO NEBRASKA TO TELL THEIR PERSONAL STORIES. COLLEAGUES, IT WAS HEARTRENDING TO HEAR THE TESTIMONY. THERE ARE A LOT OF SICK AND AILING NEBRASKANS WHO ARE OUT OF OPTIONS. THERE WERE PROPONENTS WITH MALADIES SUCH AS INTRACTABLE SEIZURES, EPILEPSY, CROHN'S DISEASE, GLAUCOMA, MS, ALS, PTSD, HUNTINGTON'S DISEASE, CANCER, AND LYME DISEASE TO NAME BUT A FEW. THESE NEBRASKANS ARE BEGGING FOR OUR HELP. PEOPLE LIKE NICOLETTE GEIGER FROM NORFOLK WHO SUFFERS FROM CROHN'S DISEASE DESERVE THE CHANCE TO TRY MEDICAL MARIJUANA. STUDIES COMPLETED AT TEL AVIV UNIVERSITY IN ISRAEL HAVE SHOWN THAT 45 PERCENT OF CROHN'S DISEASE PATIENTS WHO TRY A CANNABIS STRAIN HIGH IN THC SEE THEIR CROHN'S DISEASE IN COMPLETE REMISSION OF SYMPTOMS, MEANING THAT THEIR CDAI OR CROHN'S DISEASE ACTIVITY INTEREST SCORE DROPS TO UNDER 150. NINETY PERCENT SAW AT LEAST 100 POINT DECREASE IN THEIR CDAI. THE AVERAGE CROHN'S DISEASE PATIENT WHO USES MEDICAL MARIJUANA SEES A 177-POINT DECREASE IN CDAI AND 45 PERCENT SEE A COMPLETE REMISSION OF SYMPTOMS. PEOPLE LIKE NICOLETTE GEIGER IN NORFOLK WHOSE CURRENT PRESCRIPTION COCKTAILS HAVE FAILED DESERVE A CHANCE TO TRY MEDICAL MARIJUANA. I'M TALKING ABOUT MOTHERS LIKE DESIREE STEDNITZ FROM GRETNA AND SHARI LAWLOR OF VALLEY, MOTHERS OF DAUGHTERS WHO HAVE BEEN TOLD THAT IF THEIR SITUATION DOES NOT IMPROVE THEIR ONLY ALTERNATIVE WILL BE TO UNDERGO A FRONTAL LEUCOTOMY BRAIN SURGERY, ESSENTIALLY A LOBOTOMY. ALTERNATIVELY, THEY COULD UPROOT THEIR LIVES AND RELOCATE TO SOME OTHER STATE THAT HAS APPROVED MEDICAL MARIJUANA TO GET MEDICINE FOR THEIR CHILDREN. BUT WHY SHOULD THEY HAVE TO DO THAT? THE SAME MEDICINE THAT IS BEING USED BY TENS OF THOUSANDS OF CHILDREN ACROSS AMERICA TO CONTROL SEIZURES CAN BE MADE AVAILABLE TO HELP NEBRASKANS. STUDIES HAVE SHOWN A SIGNIFICANT REDUCTION IN THE NUMBER OF SEIZURES FOR CHILDREN WHO USE CHARLOTTE'S WEB CBD OIL. ACCORDING TO STUDIES, OVER 70 PERCENT OF CHILDREN WHO USE CHARLOTTE'S WEB CBD OIL SAW SEIZURE REDUCTIONS OF OVER HALF; 17 PERCENT OF THESE CHILDREN ACHIEVE COMPLETE FREEDOM OF SEIZURES. SOME OF THESE CHILDREN WERE HAVING 50 TO 300 SEIZURES A WEEK AND TODAY THEY HAVE NONE. THESE ARE INCREDIBLE RESULTS AND IT'S GOT TO HAVE BIG PHARMA SHAKING IN THEIR BOOTS AND BOARDROOMS. WE UNDERSTAND AND HAVE LISTENED TO THE CONCERNS OF THE LAW ENFORCEMENT COMMUNITY, ESPECIALLY NEBRASKA'S CHIEF LAW ENFORCEMENT OFFICER, ATTORNEY GENERAL PETERSON. BASED ON THESE

Floor Debate
May 07, 2015

CONCERNS, WE HAVE TAKEN THE SALE OF LEAF CANNABIS OUT OF THE BILL AND THERE WILL BE NO SMOKING OF MEDICAL MARIJUANA. MEDICAL MARIJUANA PATIENTS WILL ONLY BE USING MEDICINAL GRADE OILS AND PILLS. WE HAVE SPOKEN TO THE DEPARTMENTS OF PUBLIC HEALTH AND THE ATTORNEYS GENERAL OFFICES IN NUMEROUS STATES AND THE LAW ENFORCEMENT AND MEDICAL DISPENSARIES IN ALL THESE STATES HAVE A CORDIAL RELATIONSHIP WITH ONE ANOTHER. WITH THIS BILL, WE ARE REJECTING THE COLORADO MODEL AND WE ARE SHOWING NEBRASKANS THAT WE ARE LOOKING TO IMPLEMENT A MEDICINAL MARIJUANA PROGRAM THAT IS A LITTLE TIGHT AROUND THE NECK. WE'VE MADE A NUMBER OF CONCESSIONS TO MAKE THIS BILL ACCEPTABLE TO LAW ENFORCEMENT AND ADDRESS THEIR DESIRES AND NEEDS. NOW UNLIKE THE MEDICAL MARIJUANA LAWS IN OTHER STATES, WE ARE NOT ASKING THE LEGISLATURE TO ALLOW FOR USE OF MARIJUANA FOR CHRONIC PAIN, A MAJOR CONCESSION MADE TO THE COMMITTEE, ESPECIALLY WHEN YOU CONSIDER THE FACT THE CDC REPORTS THAT OVER 22,000 AMERICANS DIE EACH YEAR FROM PRESCRIPTION DRUG OVERDOSES. THIS, ALONG WITH THE OVER 600,000 OPIATE ADDICTED VETERANS LIVING IN THIS COUNTRY, IS A REAL CRISIS. HOWEVER, THERE IS SOME GOOD NEWS AND IT COMES FROM THE STATES THAT HAVE LEGALIZED MEDICAL MARIJUANA. THE WASHINGTON POST REPORTS THAT A STUDY COMPLETED BY JOHNS HOPKINS UNIVERSITY SHOWED THAT EVERY STATE THAT LEGALIZED MEDICAL MARIJUANA SAW A DECREASE IN PRESCRIPTION DRUG OVERDOSES AND PRESCRIPTION DRUG OVERDOSE DEATHS. THESE STATES CUMULATIVELY SAW AN AVERAGE DECREASE IN PRESCRIPTION DRUG OVERDOSE DEATHS BY 25 PERCENT. YES, I SAID 25 PERCENT. THAT'S 5,500 LIVES, 5,500 INDIVIDUALS. THOSE ARE THE FACTS. WHERE ARE THE FACTS ON OVERDOSES OF MEDICAL MARIJUANA? NOWHERE, AND THAT'S BECAUSE IT DOESN'T HAPPEN. MY MILITARY TRAINING AND BACKGROUND HAS HAD A GREAT EFFECT ON HOW I SEE PROBLEMS, AND ONE OF MY FAVORITE MILITARY LEADERS WAS GENERAL PATTON. HE BELIEVED, AS I DO, THAT AMERICANS ARE WINNERS, THAT NEBRASKANS ARE WINNERS. NO MATTER WHO THE ENEMY IS, IT IS OUR DUTY AS AMERICANS, NEBRASKANS TO SERVE OUR FELLOW CITIZENS AND VANQUISH OUR ENEMIES. I CHOOSE TO SEE OUR ENEMIES AS THESE DISEASES WHICH FREQUENTLY ATTACK AND DEVASTATE THE MOST VULNERABLE AMONG US. [LB643]

SENATOR SCHEER: ONE MINUTE. [LB643]

SENATOR GARRETT: THESE ENEMIES ARE...THANK YOU, MR. SPEAKER. THESE ENEMIES ARE EPILEPSY, SEIZURE DISORDERS, CANCER, CROHN'S DISEASE,

Floor Debate
May 07, 2015

HUNTINGTON'S DISEASE, AND PTSD TO NAME BUT A FEW. FORTUNATELY FOR US, WE HAVE A SECRET WEAPON, A WEAPON THAT IS REMARKABLY SIMPLE AND INEXPENSIVE. THIS WEAPON IS MEDICAL MARIJUANA. THIS PLANT GIVEN US TO NONE OTHER BY THE ALMIGHTY TAKES AWAY THE SIDE EFFECTS OF NUMEROUS OTHER PRESCRIPTION MEDICATIONS. PATIENTS WHO SMOKE MEDICAL MARIJUANA, LIKE MY FATHER-IN-LAW ALMOST 40 YEARS AGO, ARE ABLE TO EAT, THEIR NAUSEA DISSIPATES, THEIR ENERGY LEVELS INCREASE, AND THEY'RE ABLE TO CONTINUE THEIR CHEMOTHERAPY. ANOTHER ENEMY IS EPILEPSY. IT HAS SHOWN THAT OVER 70 PERCENT OF PATIENTS WITH EPILEPSY, CHARLOTTE'S WEB CBD OIL FORM OF MEDICAL MARIJUANA SEE THEIR SEIZURES DECREASE BY HALF. I'M GOING TO JUMP AHEAD HERE WITH MY LIMITED TIME. THE ENEMY OF THESE SICK CHILDREN IS NOT THE ELDERLY...THE ENEMY IS NOT THESE SICK CHILDREN. IT IS NOT THE ELDERLY WITH ALZHEIMER'S, CANCER, AND OTHER DISEASES. OUR ENEMIES ARE THE DISEASES. THE AMERICAN PEOPLE UNDERSTAND THIS FACT. FOX NEWS POLLING SHOWS 85 PERCENT SUPPORT FOR MEDICINAL MARIJUANA IN THIS COUNTRY WHILE CBS NEWS POLLING... [LB643]

SENATOR SCHEER: TIME, SENATOR. [LB643]

SENATOR GARRETT: ...SHOW SUPPORTED 84 PERCENT. TODAY YOU HAVE A CHOICE. PLEASE, PLEASE, PLEASE, DON'T SIT AND SULK AND BECOME A VICTIM OF THE REEFER MADNESS MENTALITY THAT HAS BEEN FOMENTED BY OUR OPPONENTS. STAND AND FIGHT. WHEN I SERVED IN KOREA, I WAS ALWAYS IMPRESSED WITH THEIR MILITARY FIGHTING SPIRIT. [LB643]

SENATOR SCHEER: TIME, SENATOR. [LB643]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. [LB643]

SENATOR SCHEER: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, YOU'RE RECOGNIZED AS THE COMMITTEE CHAIR TO OPEN ON THE AMENDMENTS. [LB643]

SENATOR SEILER: MR. PRESIDENT AND MEMBERS OF THE UNICAMERAL, I'M JUST GOING TO OUTLINE THE AMENDMENT AND THEN PASS MY REMAINING TIME BACK TO SENATOR GARRETT. LB, OR AM1254 AMENDS LB643, WAS ADVANCED FROM THE JUDICIARY COMMITTEE ON A 7 TO 1 VOTE. AM1254 IS A WHITE COPY AMENDMENT BASED ON THE MINNESOTA MEDICAL CANNABIS LAW PASSED IN

Floor Debate
May 07, 2015

2014. UNDER THE AMENDMENT, A DOCTOR WOULD CERTIFY THAT A PATIENT HAS A DIAGNOSIS OF A QUALIFYING MEDICAL CONDITION. THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WOULD THEN PLACE THE PATIENT ON A REGISTRY. DHHS WOULD REGISTER TWO MEDICAL CANNABIS MANUFACTURERS AND EACH MANUFACTURER WOULD OPEN FOUR DISTRIBUTION FACILITIES. MEDICAL CANNABIS WOULD BE DISTRIBUTED AT THE FACILITIES SOLELY BY LICENSED PHARMACISTS. DHHS WOULD HAVE BROAD OVERSIGHT, REGULATORY AUTHORITY OVER THE OPERATIONS OF THE MANUFACTURERS. WITH THAT, I'LL PASS MY TIME AND...BACK TO SENATOR GARRETT. [LB643]

SENATOR SCHEER: SENATOR GARRETT, YOU'RE YIELDED 8 MINUTES AND 30 SECONDS. [LB643]

SENATOR GARRETT: THANK YOU. THANK YOU, MR. PRESIDENT, AND THANK YOU, CHAIRMAN SEILER. AS CHAIRMAN SEILER MENTIONED, AM1254 TO LB643, THE KEY POINTS FOR THIS AND AGAIN TRYING TO TAKE THE CONSIDERATIONS OF THE ATTORNEY GENERAL AND THE LAW ENFORCEMENT COMMUNITY INTO EFFECT, IT DOES NOT ALLOW FOR WHOLE LEAF MARIJUANA OR SMOKING. IT CAN ONLY BE TAKEN IN PILL OR OIL FORM. AND IT CREATES THE MEDICAL CANNABIS BOARD WHICH HAS FIVE MEMBERS, ALL SELECTED BY THE GOVERNOR WITH APPROVAL OF THE LEGISLATURE. ONE MEMBER IS GOING TO BE FROM EACH CONGRESSIONAL DISTRICT, AND IT'LL HAVE ONE LICENSED PHARMACIST AND ONE LICENSED PHYSICIAN ON THE BOARD. THERE ARE LIMITS AS TO WHAT THIS BILL...HAS LIMITS AS TO WHAT MEDICAL MARIJUANA CAN BE PRESCRIBED FOR. THIS IS WHAT WE WANTED TO DO. WE WANTED TO VERY CLOSELY DEFINE WHAT MEDICAL MARIJUANA COULD BE USED FOR SO THAT IT DOESN'T GET OUT OF CONTROL LIKE IT IS IN SOME STATES. AND I THINK WE HAVE A PRETTY PRECISE LIST OF AILMENTS FOR WHICH IT CAN BE PRESCRIBED. PHYSICIANS WHO PRESCRIBE IT MUST BE ENROLLED IN THE PROGRAM, AND THEY MUST AGREE TO ABIDE BY THE RULES. SO NOT JUST ANY DOCTOR IS GOING TO BE ABLE TO PRESCRIBE MEDICAL MARIJUANA FOR HANGNAILS OR ANYTHING ELSE. AGAIN, TIGHTLY CONTROL THE RULES IN WHICH PHYSICIANS CAN PRESCRIBE IT. THERE ALSO ARE GOING TO BE A LIMITED NUMBER OF WHAT WE CALL MANUFACTURERS, AND EACH MANUFACTURER IS LIMITED TO FOUR DISTRIBUTION FACILITIES. AND THEY'RE GOING TO BE INDEPENDENT LABS TESTING EVERYTHING AS WE GO ALONG. AND I KNOW I WAS READING KIND OF FAST TRYING TO GET THROUGH MY OPENING INTRODUCTION, AND SINCE I'VE GOT SOME EXTRA TIME I WANTED TO AGAIN GO BACK TO MY OPENING. PLEASE DON'T SIT AND SULK AND BECOME A VICTIM OF THE REEFER MADNESS MENTALITY THAT HAS BEEN FOMENTED BY OUR

Floor Debate
May 07, 2015

OPPONENTS. STAND AND FIGHT. WHEN I SERVED IN KOREA, I WAS ALWAYS IMPRESSED WITH THEIR MILITARY'S FIGHTING SPIRIT. ONE OF THEIR MOTIVATIONAL BATTLE PHRASES WAS KOP SHE KOP SEDA (PHONETIC), WHICH ESSENTIALLY MEANS "WE GO TOGETHER." COLLEAGUES, JOIN ME. LET'S MAKE LIFE BETTER FOR NEBRASKANS WHO ARE SICK AND AILING. I LOOK AT CREATION SOMETIMES AND WONDER. I HAVE EITHER LIVED OR BEEN ON TEMPORARY DUTY IN PLACES ALL OVER THE WORLD. FRANCE, GERMANY, ITALY, THE NETHERLANDS, BELGIUM, FINLAND, ESTONIA, AUSTRIA, SAUDI ARABIA, BAHRAIN, KOREA, JAPAN, AND A LOT OF OTHER PLACES ALL OVER GOD'S CREATION. I'VE SEEN MOUNTAINS, DESERTS, JUNGLES, OCEANS, RED ROCKS, AND SAND HILLS. WE ALL ENJOY THE FRUITS OF CREATION AND I BELIEVE WE ARE STEWARDS OF THIS WORLD AND ITS RESOURCES. I BELIEVE IN STEWARDSHIP AND PERSONAL RESPONSIBILITY. I CAN'T EMPHASIZE THAT PERSONAL RESPONSIBILITY PART ENOUGH. OUR NATURAL RESOURCES PLANTS, MINERALS, AND GASES CAN BE USED FOR THE GREATER GOOD OR CAUSE PROBLEMS. I THINK IT IS OUR RESPONSIBILITY AS STEWARDS TO NOT SAY NO TO AN ELEMENT OF GOD'S CREATION ALL BECAUSE IT CAN BE ABUSED. ALL OF CREATION CAN BE ABUSED IN ONE WAY OR ANOTHER, BUT IT IS OUR RESPONSIBILITY TO USE THE RESOURCES HE HAS GIVEN US TO THE BEST OF OUR ABILITY. LET'S JOIN TOGETHER AND OFFER A HELPING HAND TO THOSE OF US WHO ARE SICK, AILING, AND SUFFERING. IT'S TIME WE HELP OUR FELLOW NEBRASKANS WHO HAVE NO OTHER OPTIONS. I ASK YOU TO JOIN IN THIS FIGHT AND MAKE MEDICAL MARIJUANA AVAILABLE TO THOSE WHO DESPERATELY NEED IT. SICK AND AILING NEBRASKANS NEED YOUR SUPPORT AND I ASK YOU TO PLEASE VOTE YES ON LB643. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR SCHEER: THANK YOU, SENATOR. MR. CLERK, THERE IS AN AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB643]

ASSISTANT CLERK: MR. PRESIDENT, THANK YOU. SENATOR GLOOR WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH AM1564. (LEGISLATIVE JOURNAL PAGE 1449.) [LB643]

SENATOR SCHEER: SENATOR GLOOR, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB643]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, MEMBERS. I'M GOING TO TALK A LITTLE BIT ABOUT THE AMENDMENT BUT I WANT TO MAKE SURE THAT PEOPLE UNDERSTAND MY INTENT HERE IS...AND I'M GOING TO

Floor Debate
May 07, 2015

QUOTE SENATOR GARRETT, WHO I VISITED WITH ABOUT SOME OF MY CONCERNS ON THE BILL AND THE AMENDMENTS AS DRAFTED. HIS COMMENT WAS, WE KNOW WHY WE'RE HERE, TO MAKE GOOD PUBLIC POLICY. I AGREE WITH THAT. AND TO ME, MAKING GOOD PUBLIC POLICY MEANS WE HAVE TO HAVE BILLS THAT ARE GOOD BILLS, THAT CAN BE IMPLEMENTED, THAT DON'T CREATE PROBLEMS OR CHALLENGES. AND, MEMBERS, I AM CONCERNED THAT IN OUR RUSH TO DEAL WITH THIS FROM A COMPASSIONATE STANDPOINT, WE ARE HEADING DOWN THE SAME PATH THAT THIS BODY DID BACK IN, I BELIEVE IT WAS EITHER '07 OR '08, I THINK IT WAS IN '08, WITH THE SAFE HARBOR ACT, WHICH, AS A REMINDER, ALLOWED FAMILIES TO DROP THEIR CHILDREN OFF WITHOUT FEAR OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES OR LAW ENFORCEMENT CLIMBING ON BOARD WITH PUNITIVE DAMAGES. THAT ORIGINALLY WAS SUPPOSED TO BE DRAFTED FOR INFANTS, EVENTUALLY ENDED UP BEING FOR TEENAGERS, ANY CHILD. I FORGET WHETHER IT WAS AGE 16 OR 18. AND WE HAD PEOPLE FROM THE STATE OF CALIFORNIA DRIVING DOWN INTERSTATE 80 WITH UNCONTROLLABLE 16-YEAR-OLDS THAT THEY DROPPED OFF AT THE KIMBALL HOSPITAL, WHICH WAS THE NEAREST HOSPITAL TO THE BORDER THAT THEY COULD GET TO AND TURNING AROUND AND DRIVING BACK TO CALIFORNIA. WE HAD A SPECIAL SESSION TO TRY AND CORRECT THAT. MY CONCERN IS NOT THAT THIS IS THE CAMEL'S NOSE UNDER THE TENT WHEN IT COMES TO RECREATIONAL USE OF MARIJUANA, IT'S A CONCERN THAT THIS BILL AS DRAFTED MAY CREATE PROBLEMS THAT ARE UNANTICIPATED. AND MY TWO AMENDMENTS THAT I HAVE ARE EFFORTS TO TRY AND AT LEAST CLEANUP PORTIONS OF THIS BILL, BUT HOPEFULLY POINT OUT WE HAVE A WAYS TO GO BEFORE I THINK THIS BILL IS READY FOR PRIME TIME. THIS AMENDMENT SPECIFICALLY STRIKES OUT ON PAGE 21, THIS WOULD BE AM1564, A SECTION THAT RELATES TO WHAT EMPLOYERS CAN EXPECT TO DO OR CANNOT DO WHEN IT COMES TO SOMEBODY WHO IS USING MEDICAL CANNABIS. LET ME READ. I'M TRYING TO STRIKE A SECTION THAT SAYS, UNLESS A FAILURE TO DO SO, THOSE OF YOU WHO HAVE IT, IT'S PAGE 21, LINE 5, UNLESS A FAILURE TO DO SO WOULD VIOLATE FEDERAL LAW OR REGULATIONS OR CAUSE AN EMPLOYER TO LOSE MONETARY OR LICENSING-RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS, AN EMPLOYER MAY NOT DISCRIMINATE AGAINST A PERSON IN HIRING, TERMINATION, OR IN ANY TERM OR CONDITION OF EMPLOYMENT, OR OTHERWISE PENALIZE THE PERSON, IF THE DISCRIMINATION IS BASED UPON EITHER OF THE FOLLOWING: THE PERSON'S STATUS AS A PATIENT ENROLLED IN THE REGISTRY PROGRAM UNDER THE MEDICAL CANNABIS ACT OR THE PATIENT'S POSITIVE DRUG TEST FOR CANNABIS COMPONENTS OR METABOLITES UNLESS THE PATIENT USED, POSSESSED, OR WAS IMPAIRED BY THE MEDICAL CANNABIS ON THE PRESENCE OR THE PLACE OF EMPLOYMENT OR DURING

Floor Debate
May 07, 2015

HOURS OF EMPLOYMENT. HERE'S MY PROBLEM. THE WAY THIS READS AS I READ IT, IF I WERE STILL RUNNING A HOSPITAL, MY HOSPITAL, MOST HOSPITALS, I THINK ALL HOSPITALS, SAY IF YOU'RE USING A DRUG THAT IS GOING TO IMPAIR YOU, YOU NEED TO LET US KNOW SO THAT WE CAN ASSIGN YOU INTO APPROPRIATE LINES OF DUTY. I DO NOT WANT A NURSE WORKING THE INTENSIVE CARE UNIT IF SHE IS ON OXYCONTIN. I DON'T WANT HER WORKING THE EMERGENCY ROOM IF SHE IS USING MEDICAL CANNABIS. IT'S NOT BECAUSE THERE'S ANYTHING ILLEGAL ABOUT IT, IT'S BECAUSE SHE MAY WELL BE IN AN IMPAIRED CONDITION AND WE NEED TO REASSIGN HIM OR HER INTO APPROPRIATE AREA. AS I READ THIS, I CAN'T DO THAT. OR, LET ME PUT IT A DIFFERENT WAY, MY CONCERN IS LESS THAT I CAN'T DO THAT, MY CONCERN IS THAT IF I FIND OUT AS A RESULT OF A ROUTINE DRUG SCREENING THAT THEY, IN FACT, TEST POSITIVE FOR CANNABIS, AND THEY HAVE BEEN WORKING THE EMERGENCY ROOM OR THE INTENSIVE CARE UNIT OR SURGERY OR WHEREVER, WITHOUT INFORMING ME, I NEED TO TAKE ACTION AGAINST THAT EMPLOYEE. WHY WOULD CANNABIS BE DIFFERENT THAN OXYCONTIN OR ANY OTHER PRESCRIBED MEDICATION? ASSUMING THIS BILL WENT FORWARD WITH THIS IN HERE, CANNABIS WOULD BE EXEMPT FROM ME REQUIRING THAT NURSE TO LET ME KNOW THAT THEY ARE TAKING A MEDICATION THAT MIGHT IMPAIR THEIR ABILITY TO DO THEIR FUNCTION. HOW ABOUT AIRLINE PILOTS? I THINK WE'RE GIVING PEOPLE A PASS ON THIS USING MEDICAL CANNABIS THAT WE WOULDN'T GIVE FOR ANY OTHER MEDICATION THAT WE SHOULD HAVE CONCERNS ABOUT. THINK OF THE DRUG VIAL THAT SAYS "DO NOT DRIVE OR OPERATE HEAVY EQUIPMENT WHILE TAKING THIS MEDICATION". SEEMS TO ME WE'RE SAYING AS AN OVER-THE-ROAD DRIVER YOU DON'T HAVE TO WORRY ABOUT THAT. YOU DON'T HAVE TO WORRY ABOUT TELLING YOUR EMPLOYER. NOW IT MAY BE AND SOMEONE CAN STAND UP AND DEFEND THE FACT THAT THE REGULATIONS CAUSED AN EMPLOYER TO LOSE A MONETARY OR LICENSE-RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS. MAYBE THAT WAS INSERTED THERE TO COVER THAT, BUT I DON'T READ IT THAT WAY. AGAIN, I'M NOT ARGUING AGAINST ANYTHING EXCEPT I BELIEVE THIS SECTION OF THE LAW WAS ONE PUT IN ENTHUSIASTICALLY BECAUSE OF THE STIGMA ASSOCIATED WITH CANNABIS AND MEDICAL CANNABIS. I DON'T THINK IT WAS THOUGHT THROUGH EMOTIONALLY AS TO, REALLY, DO WE REALLY WANT THIS IN THERE? DO WE WANT TO TREAT CANNABIS THE WAY WE TREAT OTHER MEDICATIONS? SO THAT'S THE AMENDMENT. IT'S AN EFFORT TO CLEAN UP THIS BILL, NOT TO DERAIL IT. AND THERE ARE OTHER COMPONENTS OF THIS BILL THAT FIT INTO THAT SAME CATEGORY. I'D SAY AGAIN, WELL-INTENTIONED BILL, A LOT OF ENTHUSIASM. I'M CONCERNED THERE'S TOO MUCH EMOTION. WE NEED TO MAKE THIS BILL BETTER IF IT'S GOING TO PASS, AND THIS WOULD BE ONE OF

Floor Debate
May 07, 2015

THE AREAS THAT WOULD MAKE IT BETTER. THANK YOU, MR. PRESIDENT, AND THANK YOU, MEMBERS. [LB643]

SENATOR SCHEER: THANK YOU, SENATOR GLOOR. THOSE WAITING IN THE QUEUE ARE SENATOR CRAWFORD, WILLIAMS, HAAR, CRAIGHEAD, McCOY, AND OTHERS. SENATOR CRAWFORD. [LB643]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I WILL NOT BE VOTING FOR LB643. LB643 HAS BEEN REFERRED TO AS THE COMPASSIONATE CARE ACT. IF WE WERE VOTING TODAY ON WHETHER WE HAVE COMPASSION FOR NEBRASKANS WHO SUFFER FROM EPILEPSY, CANCER, AND OTHER CONDITIONS, I HOPE THAT WE WOULD ALL VOTE GREEN. IF WE WERE VOTING TODAY ON WHETHER WE FEEL THAT THE FEDERAL LAWS ON MARIJUANA AND THE WAR ON DRUGS HAVE BEEN COUNTERPRODUCTIVE AND HAVE CAUSED UNDUE HARM AND SUFFERING, THEN PROBABLY MOST OF US WOULD VOTE GREEN. THE PUBLIC POLLING THAT SHOWS STRONG SUPPORT FOR LEGALIZING MEDICAL MARIJUANA SHOWS A GREAT DEAL OF SYMPATHY FOR THESE TWO POINTS. HOWEVER, COLLEAGUES, A VOTE ON LB643 IS NOT JUST AN EXPRESSION OF COMPASSION OR AN EXPRESSION OF FRUSTRATION WITH FEDERAL DRUG LAWS. A VOTE FOR LB643 IS A VOTE TO AUTHORIZE THE DIVISION OF PUBLIC HEALTH AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CREATE AND REGULATE A MEDICAL MARIJUANA INDUSTRY IN THE STATE, AND TO AUTHORIZE IT TO RECOMMEND TYPES OF CANNABIS AND DOSAGES FOR NEBRASKA PATIENTS, AMONG OTHER THINGS. A VOTE FOR LB643 IS A VOTE FOR THE DETAILS IN AM1254 AND OTHER AMENDMENTS THAT WE WILL HAVE. THIS BILL DOES NOT ALLOW FAMILIES TO GO TO COLORADO AND PURCHASE CHARLOTTE'S WEB OR ORDER IT ON-LINE. IF YOU FOUND THE STORY OF CHARLOTTE'S WEB AND COLORADO MEDICAL REFUGEES COMPELLING AND YOU ARE PLANNING TO VOTE FOR THIS BILL BECAUSE YOU WANT FAMILIES WITH CHILDREN WITH INTRACTABLE EPILEPSY TO HAVE ACCESS TO CHARLOTTE'S WEB IN NEBRASKA, I URGE YOU TO READ THE DETAILS OF THE BILL. TO BE CLEAR, MY BILL LB390, WHICH WE WILL DEBATE LATER, ALSO DOES NOT ALLOW NEBRASKA PARENTS TO GO TO COLORADO OR GO ON-LINE AND PURCHASE CHARLOTTE'S WEB. IT SIMPLY CREATES A PILOT PROJECT TO PROVIDE RESEARCH AND COMPASSIONATE CARE FOR AS MANY PATIENTS AS POSSIBLE TO GET US THROUGH A TIME WHEN WE HOPE TO SEE CHANGES IN FEDERAL CANNABIS RESCHEDULING AND IN AVAILABLE FDA-APPROVED MEDICATIONS FOR EPILEPSY. IT WAS NEVER MY INTENTION TO WORK ON...MY INTENTION FOR WORK ON THE CBD RESEARCH PROJECT TO BE A STEPPING STONE FOR STATE LEGALIZATION OF MARIJUANA, AND I HAVE MADE THAT CLEAR FROM THE BEGINNING. I HAVE BEEN

Floor Debate
May 07, 2015

PASSIONATE ABOUT LEGALIZING HEMP WHICH I HOPED WE COULD USE NOT ONLY AS AN AGRIBUSINESS IN THE STATE, BUT AS A STEPPING STONE FOR A CBD INDUSTRY AND CBD ACCESS IN OUR STATE. I HAD HOPED THAT SENATOR WALLMAN'S BILL LAST YEAR COULD HAVE GOTTEN US WELL-DOWN THAT ROAD. HOWEVER, IT WAS AMENDED TO A RESTRICTIVE, FEDERALLY-COMPLIANT VERSION DUE TO JUDICIARY MEMBERS CONCERNS ABOUT REMAINING CONSISTENT WITH FEDERAL LAW AND THE SUPREMACY CLAUSE. THE EXPERIENCE IN IOWA FROM THEIR STRAIGHT CBD LEGALIZATION BILL NOW SHOWS THAT THIS APPROACH WOULD NOT HAVE BEEN SUFFICIENT ANYWAY. THE BILL THAT PASSED THERE LAST YEAR TO DECRIMINALIZE THE POSSESSION OF CBD FOR USE FOR PATIENTS WITH INTRACTABLE EPILEPSY DOES NOT ALLOW THOSE PATIENTS TO GO TO COLORADO OR TO GO ON-LINE AND GET CHARLOTTE'S WEB FOR THEIR KIDS, MUCH TO THE BITTER DISAPPOINTMENT OF THE PATIENTS WHO WORKED SO HARD TO GET THAT LAW PASSED. NEITHER THE FEDERAL JUSTICE DEPARTMENT MEMO NOR RECENT CONGRESSIONAL ACTION TO RESTRICT FUNDING FOR PROSECUTION LEGALIZED THE TRANSPORT OR SALE OF CANNABIS PRODUCTS ACROSS STATE LINES. THE POLICY PATHWAY TO ALLOW PATIENTS TO ACCESS CBD PRODUCTS AND TO OPEN THE RESEARCH OF MEDICAL USES OF CBD AND OTHER CANNABIS COMPONENTS IN THIS COUNTRY IS TO PASS FEDERAL LAWS OR REGULATIONS TO RESCHEDULE CBD... [LB643 LB390]

SENATOR SCHEER: ONE MINUTE. [LB643]

SENATOR CRAWFORD: THANK YOU...AND OTHER CANNABIS MORE BROADLY. I'VE BEEN ENGAGED IN PUSHING FOR FEDERAL RESCHEDULING OF CBD. WHEN I SAY THIS PROBLEM NEEDS TO BE SOLVED AT THE FEDERAL LEVEL, I'M NOT SAYING THAT TO PASS THE BUCK, I'M NOT SAYING THAT BECAUSE I HAVE NO COMPASSION FOR THESE FAMILIES WHO ARE SUFFERING. I SAY THAT BECAUSE BASED ON MY TWO YEARS OF STUDYING THIS ISSUE I HAVE COME TO BELIEVE THAT IS TRUE. ABOVE AND BEYOND THE PROBLEMS WITH GETTING SUPPLY ACROSS STATE LINES, STATE-LEVEL SOLUTIONS LEAVE FAMILIES VULNERABLE. SHOULD THEY HAVE TO MOVE, VISIT FAMILY MEMBERS IN ANOTHER STATE, OR SHOULD THEY FIND THEMSELVES IN A FEDERAL FACILITY OR A HOSPITAL OR OTHER FACILITY THAT MUST COMPLY WITH FEDERAL RULES, IT'S FRUSTRATING TO SEE CONGRESS SO DYSFUNCTIONAL, BUT WE CANNOT JUST THROW UP OUR HANDS AND GIVE UP ON EVER HAVING A FUNCTIONAL, NATIONAL GOVERNMENT AGAIN. ON THIS FRONT, THERE IS CLEAR HOPE. REPRESENTATIVE FORTENBERRY AND REPRESENTATIVE ASHFORD HAVE BOTH COMMITTED TO SUPPORT A BILL IN CONGRESS TO RESCHEDULE CBD. IT'S A BIPARTISIAN COMMITMENT AND I JOIN THEM IN PUSHING FOR THAT EFFORT. ANOTHER HOPEFUL SIGN IS THAT WE HAVE

Floor Debate
May 07, 2015

HAD OTHER BIPARTISIAN EFFORTS IN CONGRESS TO ADDRESS THIS ISSUE. AND I WILL CONTINUE TO WORK TO PROVIDE COMPASSION AND CARE FOR THESE FAMILIES ON THESE FEDERAL EFFORTS. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR SCHEER: THANK YOU, SENATOR CRAWFORD. (VISITOR INTRODUCED.)
SENATOR WILLIAMS. [LB643]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON. AND JUST LIKE SENATOR GARRETT OPENED UP IN HIS REMARKS WHEN HE MENTIONED THAT HE DIDN'T, A YEAR AGO, HAVE ANY DOUBT THAT HE WOULD BE HERE OR THOUGHT THAT HE WOULD BE HERE TALKING ABOUT MARIJUANA, I'M IN THAT SAME BOAT. AND, AGAIN, WHAT I WOULD LIKE TO TALK ABOUT, AND I DO NOT SUPPORT LB643, IS SOME OF THE PROCESSES THAT WE'VE BEEN THROUGH AND SOME OF THE OTHER THINGS. AND I WOULD AGREE WITH SENATOR GARRETT THAT ANYONE WHO SAT THERE THROUGH THE TESTIMONY, AND I'M PROUD THAT I'M ONE OF FOUR MEMBERS OF THE JUDICIARY COMMITTEE THAT SAT THERE FOR THE ENTIRE HEARING, YOU COULD NOT DO THAT WITHOUT BEING MOVED. AND HE USED THE TERM HARDEST OF HEARTS. AND SO IT IS WITH SOME DIFFICULTY THAT I OPPOSE THIS, BECAUSE I DON'T BELIEVE I HAVE THE HARDEST OF HEARTS. I THINK ASK MY GRANDKIDS. ASK THE KIDS THAT HAVE BENEFITED FROM THE TEAMMATES PROGRAM THAT I BROUGHT TO GOTHENBURG. ASK THE KIDS THAT I DIRECT IN THE CHILDREN'S CHOIR AT THE CHURCH. BUT AT THE SAME TIME, FROM A PUBLIC POLICY STANDPOINT IN OUR STATE, WE AS LEGISLATORS ARE CHARGED WITH MAKING PUBLIC POLICY FOR 1.9 MILLION PEOPLE, NOT A SELECT FEW. SAYING THAT, I HAVE HUGE COMPASSION FOR THOSE MOMS, DADS, AND OTHERS THAT HAVE BROUGHT THEIR CHILDREN HERE AND TESTIFIED. WHAT I WOULD LIKE TO SPEND A LITTLE BIT OF TIME TALKING ABOUT, TO START WITH, IS I HAVE TALKED SEVERAL TIMES ON THE MIKE THIS SESSION ABOUT THE PROCESS THAT WE GO THROUGH. AND I AM A TRUE BELIEVER IN FOLLOWING THE ESTABLISHED PROCESSES THAT WE USE HERE IN OUR LEGISLATURE. SENATOR GARRETT INTRODUCED THE GREEN COPY OF LB643 ON JANUARY 21st. NOT LONG AFTER THAT, ON MARCH 5th, A COMPLETE WHITE COPY AMENDMENT WAS FILED, AM680, AND THAT WAS THE DAY BEFORE WE HAD OUR PUBLIC HEARING ON MEDICAL MARIJUANA. ON MARCH 16th, ABOUT 11 DAYS OR 10 DAYS AFTER THAT HEARING, SENATOR GARRETT SUBMITTED ANOTHER COMPLETE WHITE COPY AMENDMENT, AM876, TO THE JUDICIARY COMMITTEE. LATE IN MARCH, SENATOR GARRETT WITHDREW AM876 AND ASKED US TO GO BACK TO AM680. AND ALL THIS TIME THE JUDICIARY COMMITTEE WAS ATTEMPTING TO ANALYZE THE BILL AS PRESENTED, READ THE BILL AS PRESENTED, AND HAVE EXECUTIVE

Floor Debate
May 07, 2015

COMMITTEE MEETINGS ON IT. ON MONDAY, APRIL 20th, AM1254 WAS BROUGHT TO THE COMMITTEE. IT WASN'T BROUGHT TO THE COMMITTEE BY SENATOR GARRETT, IT WAS BROUGHT TO THE COMMITTEE BY SENATOR COASH. IT WAS E-MAILED TO COMMITTEE MEMBERS THAT MORNING AT I BELIEVE 9:21 IN THE MORNING, AND WE HAD OUR EXEC COMMITTEE MEETING FOLLOWING THE NOONHOUR. AND IT WAS VOTED OUT OF COMMITTEE AT THAT EXEC MEETING 7 TO 1, AND I WAS THE ONE DISSENTING VOTE. THERE WERE AT LEAST FIVE MEMBERS OF THE JUDICIARY COMMITTEE WHO HAD NOT HAD THE... [LB643]

SENATOR SCHEER: ONE MINUTE. [LB643]

SENATOR WILLIAMS: ...OPPORTUNITY TO REVIEW OR READ FULLY AM1254 AT THE TIME THEY VOTED IT OUT OF COMMITTEE. IT IS CLEAR TO ME THAT THROUGH THIS PROCESS, WHAT WE STARTED WITH, WITH AN ORIGINAL WHITE COPY...GREEN COPY, EXCUSE ME, BILL, IS A COMPLETELY DIFFERENT PIECE OF LEGISLATION NOW, NOT THE SAME PIECE OF LEGISLATION THAT WE HEARD PEOPLE TESTIFY ON. IN FACT, IF YOU WOULD ASK THE PHARMACY ASSOCIATION AND THEY HAVE BEEN VERY OPEN IN TALKING TO PEOPLE ABOUT THIS, THEY TESTIFIED NEUTRAL AT THE HEARING. HOWEVER, WITH AM1254, THEY HAVE TOLD EVERYONE THAT THEY WOULD HAVE TESTIFIED IN OPPOSITION TO THAT BILL. WITH THAT IN MIND, I THINK WE HAVE CIRCUMVENTED THE PROCESS THAT IS SO IMPORTANT TO US. [LB643]

SENATOR SCHEER: TIME, SENATOR. [LB643]

SENATOR WILLIAMS: THANK YOU. [LB643]

SENATOR SCHEER: SENATOR KEN HAAR. [LB643]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, FIRST OF ALL, I'D JUST LIKE TO SAY I PASSED OUT A LEGISLATIVE RESOLUTION, LR247. I'VE HAD THAT IN MY HANDS FOR ABOUT A WEEK AND REALLY HAD NOTHING TO DO THIS MORNING WITH THE BILL THAT SENATOR CHAMBERS INTRODUCED. THE PURPOSE OF LR247 IS TO ADD AN EXCLAMATION POINT TO THE FACT OF WHAT THE NATURAL RESOURCES COMMITTEE WILL BE DOING. THAT SAID, I RISE IN SUPPORT OF LB643. AND I WANT TO THANK SENATOR GARRETT FOR TAKING LEADERSHIP IN PRESENTING THIS RATHER DIFFICULT ISSUE IN THE STATE OF NEBRASKA. I'M GOING TO SPEND SOME TIME READING FROM SOME ARTICLES AND SO ON THAT...BECAUSE I THINK THE WORDS ARE VERY WELL PUT AND

Floor Debate
May 07, 2015

BETTER THAN I COULD SAY THEM MYSELF. THE FIRST ONE I WANT TO TALK ABOUT, TALK FROM, IS AN ARTICLE IN NEWSMAX. NOW, AGAIN, THIS IS NOT A LIBERAL OR A CONSERVATIVE TOPIC. NEWSMAX IS A CONSERVATIVE AMERICAN NEWS MEDIA ORGANIZATION FOUNDED BY CHRISTOPHER RUDDY AND BASED IN WEST PALM BEACH, FLORIDA. AND THIS ARTICLE IS AN INTERVIEW WITH DR. SANJAY GUPTA, CNN'S CHIEF MEDICAL ADVISER. AND I'VE ALWAYS LIKED DR. SANJAY GUPTA. AND SO I WANT TO START BY QUOTING FROM THIS. THIS IS FROM APRIL 16th, 2015. SAYS, A REVOLUTION IS UNDERWAY, DR. SANJAY GUPTA INSISTS, AND IT'S NOW TIME TO LEGALIZE MEDICAL MARIJUANA NATIONWIDE. HE SAYS, QUOTE, I SEE A REVOLUTION IN THE ATTITUDES OF EVERYDAY AMERICANS, END QUOTE. FOR THE FIRST TIME, 77 PERCENT OF AMERICANS SUPPORT THE USE OF MEDICAL MARIJUANA. AND HE QUOTED THIS FROM A PEW RESEARCH CENTER POLL. PUBLIC OPINION, AND I'M SKIPPING HERE AND THERE, THE ARTICLE IS A LITTLE LONG, PUBLIC OPINION IS ALSO CHANGING AMONG PATIENTS AND GRANDPARENTS AS WELL AS LAW ENFORCEMENT OFFICIALS, AND MORE SAID GUPTA, AND EVEN IN HIS OWN FAMILY WITH HIS MOTHER TELLING HIM SHE IS PROUD OF HIS FIGHT FOR LEGALIZATION AS, QUOTE, YOU PROBABLY HELPED A LOT OF PEOPLE WHO WERE SUFFERING, END QUOTE. AND I THINK THAT'S WHY I FEEL THIS IS APPROPRIATELY CALLED COMPASSIONATE CARE ACT. HE GOES ON, QUOTE, THERE IS NOW PROMISING RESEARCH INTO THE USE OF MARIJUANA THAT COULD IMPACT TENS OF THOUSANDS OF CHILDREN AND ADULTS, INCLUDING TREATMENT FOR CANCER, EPILEPSY, AND ALZHEIMER'S, TO NAME A FEW, HE CONTINUED. WITH REGARD TO PAIN ALONE, MARIJUANA COULD GREATLY REDUCE THE DEMAND FOR NARCOTICS AND SIMULTANEOUSLY DECREASE THE NUMBER OF ACCIDENTAL PAINKILLER OVERDOSES, WHICH ARE THE GREATEST CAUSE OF PREVENTABLE DEATH IN THIS COUNTRY. AND I WANT TO READ THAT SENTENCE AGAIN. THE ACCIDENTAL OVERDOSE FROM PAINKILLERS, LIKE, AND I'LL GET INTO THIS LITTLE LATER, BUT THE ACCIDENTAL OVERDOSE OF PAINKILLERS IS NOW THE GREATEST CAUSE OF PREVENTABLE DEATH IN THIS COUNTRY. AND IT'S NOT A SIDE EFFECT OF MEDICAL MARIJUANA, BY THE WAY. AND TO GO ON, AT A TIME FOR AMERICANS TO LOOK AT THE DATA AND TALK TO PATIENTS, GUPTA SAID, AND HE'S SURE THEY WILL COME TO THE COMMONSENSE SOLUTION HE HAS. QUOTE, WE SHOULD LEGALIZE MEDICAL MARIJUANA, WE SHOULD DO IT NATIONALLY, AND WE SHOULD DO IT NOW. AND SO WE'VE HEARD THAT MAYBE THE PROCESS THAT THIS BILL DANCED THROUGH JUDICIARY WAS NOT PERFECT, BUT I THINK THE TIME TO DO SOMETHING ABOUT THIS IS NOW. THEN I'D LIKE TO READ... [LB643 LR247]

SENATOR SCHEER: ONE MINUTE. [LB643]

Floor Debate
May 07, 2015

SENATOR HAAR: ONE MINUTE? OKAY. MY NEXT TIME AT THE MIKE I WILL BE TALKING ABOUT THE CORPORATE PROFITS THAT GO INTO OPPOSING MEDICAL MARIJUANA AND WHO'S SUPPORTING, AT LEAST ON A NATIONAL LEVEL WITH LARGE AMOUNTS OF MONEY, THIS FIGHT AGAINST MEDICAL MARIJUANA. THANK YOU VERY MUCH. [LB643]

SENATOR SCHEER: THANK YOU, SENATOR HAAR. SENATOR CRAIGHEAD. [LB643]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I STAND TODAY IN SUPPORT OF LB643 AND I AM VERY PROUD TO BE A COSPONSOR OF THIS BILL. I COME TO YOU OBJECTIVELY AND SUBJECTIVELY. OBJECTIVELY, I HAVE A BACKGROUND AS A CLINICAL LABORATORY SCIENCE. MY DEGREE IS IN MEDICAL TECHNOLOGY FROM THE MED CENTER AND I SPENT A NUMBER OF YEARS IN THAT PROFESSION. SUBJECTIVELY, I COME TO TALK TO YOU AS A WOMAN WHO LOST HER HUSBAND DUE TO CANCER DUE TO AGENT ORANGE EXPOSURE WHEN HE SERVED IN VIETNAM. AND I WATCHED THIS MAN GO FROM ABOUT THE SIZE OF A GENTLEMAN NOT QUITE AS BIG AS SENATOR KOLOWSKI BUT A BIG MAN AND I WATCHED HIM LOSE HALF OF HIS BODY WEIGHT IN 17 MONTHS. I SAW HIM ENDURE CHEMOTHERAPY, CHEMOEMBOLIZATION, PAIN, CACHEXIA. HE WASTED AWAY. HE WANTED NOTHING MORE TO DO THAN TO RAISE HIS 12-YEAR-OLD DAUGHTER AND PROVIDE FOR HIS FAMILY. SAW HIM ON ALL KINDS OF PAIN MEDS. IN FACT, SO MUCH SOMETIMES HE WOULD FALL OUT OF CHAIRS. HAD I THOUGHT ABOUT IT, I PROBABLY WOULD HAVE GONE AND GOTTEN HIM SOME WEED TO SMOKE AT THE TIME. WE'RE NOT TALKING WEED HERE; WE'RE TALKING MEDICAL CANNABIS, IN A PILL, IN AN OIL, TO HELP PEOPLE. THIS CAN'T BE...IT'S GOT TO BE BETTER THAN THE PAIN MEDS THAT ARE PRESCRIPTION PAIN MEDS ON THE MARKET. I THINK THIS IS...BILL IS GOOD. IT REPRESENTS A RELATIVELY TIGHT REGULATORY PROPOSAL THAT'S UNLIKE THE LOOSELY REGULATED SYSTEMS IN STATES LIKE CALIFORNIA. PATIENTS AND CAREGIVERS MUST GO THROUGH A PROCESS TO OBTAIN ACCESS TO THE PLANT AND THOSE WHO WILL BE ALLOWED TO PRODUCE AND DELIVER THE DRUG WILL BE LIMITED TO A SELECT FEW. THE POTENTIAL REDUCTION OF NEUROPATHIC PAIN AND EPILEPTIC SEIZURES OR THE BENEFITS TO NEBRASKANS ENDURING CHEMOTHERAPY ARE WORTH THE RELATIVELY LOW RISK ASSOCIATED WITH THE PASSAGE OF THIS BILL. I THINK WE NEED TO TAKE A GOOD HARD LOOK AT THIS, AND I WOULD SUGGEST THAT YOU PLEASE VOTE YES ON LB643. THANK YOU. I YIELD THE REST OF MY TIME BACK TO THE CHAIR. [LB643]

Floor Debate
May 07, 2015

SENATOR SCHEER: THANK YOU, SENATOR CRAIGHEAD. SENATOR McCOY, YOU'RE RECOGNIZED. [LB643]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. WOULD SENATOR GARRETT YIELD TO A FEW QUESTIONS, PLEASE? [LB643]

SENATOR SCHEER: SENATOR GARRETT, WILL YOU YIELD, PLEASE? [LB643]

SENATOR GARRETT: GLADLY. [LB643]

SENATOR McCOY: THANK YOU, SENATOR GARRETT. YOU REFERENCED NOT FALLING PREY TO, AND I'LL USE YOUR WORDS, REEFER MADNESS MENTALITY. WHAT DO YOU MEAN BY THAT? [LB643]

SENATOR GARRETT: WHEN I WAS IN COLLEGE, THERE WAS A MOVIE THAT CAME OUT, I THINK SOMETIME...I THINK IT WAS IN THE '50s, MIGHT HAVE BEEN THE '40s, CALLED REEFER MADNESS. IT BECAME KIND OF A CULT FILM, AND IT WAS QUITE THE BIG JOKE BACK THEN. I REMEMBER A PARTICULAR SCENE WHERE SOMEONE WAS SMOKING A MARIJUANA CIGARETTE AND TOOK ONE PUFF, HIS EYES GOT BIG AND WIDE, AND HE THREW HIMSELF OUT OF A WINDOW. SO THAT REEFER MADNESS CAME FROM THAT MOVIE ENTITLED REEFER MADNESS. [LB643]

SENATOR McCOY: OKAY. I APPRECIATE THE CHARACTERIZATION OF THE MOVIE, BUT YOU SAID TWICE IN YOUR OPENING REMARKS THAT OPPONENTS OF THIS LEGISLATION ARE USING REEFER MADNESS MENTALITY. WHAT DO YOU MEAN? [LB643]

SENATOR GARRETT: WELL, THE REACTION ON THE PART OF SO MANY PEOPLE IS THAT, YOU KNOW, THAT MEDICAL MARIJUANA IS SOMEHOW GOING TO CORRUPT THE ENTIRE SOCIETY. AND I'VE TALKED TO INNUMERABLE PEOPLE WHO LIKE ME BACK WHEN I WAS IN HIGH SCHOOL, THERE WERE PEOPLE SMOKING MARIJUANA, AND IT WAS PLENTIFUL. I ALWAYS COMPLETELY AVOIDED IT IN COLLEGE. MOST OF US, I THINK IF YOU'RE ALL HONEST, HAVE SEEN THIS YOUR ENTIRE LIVES. IT'S NOT THE PUBLIC HEALTH CRISIS EVERYONE THINKS IT IS. AND WE'RE NOT TALKING ABOUT RECREATIONAL MARIJUANA. WE'RE TALKING ABOUT MARIJUANA THAT'S GOING TO BE PRESCRIBED BY A PHYSICIAN, AND IT'S GOING TO BE TIGHTLY CONTROLLED. [LB643]

Floor Debate
May 07, 2015

SENATOR McCOY: SENATOR GARRETT, I STILL DON'T UNDERSTAND, I GUESS. WHAT IS IT THAT YOU SAY OPPONENTS ARE DOING? [LB643]

SENATOR GARRETT: WELL, OPPONENTS LIKE THE UNIVERSITY OF NEBRASKA PROFESSOR WHO ON UNIVERSITY OF NEBRASKA STATIONERY SENT OUT THIS BIG LONG DIATRIBE ABOUT ALL THE EVIL EFFECTS OF MARIJUANA, WHICH IS TOTALLY CONTRARY. THE ATTORNEY GENERAL WALKING AROUND TO EACH ONE OF YOUR OFFICES DELIVERING DIFFERENT ARTICLES...OR PEOPLE FROM HIS OFFICE, ABOUT THE TERRIBLE EFFECTS OF MEDICAL MARIJUANA, THE SLIPPERY SLOPE, THE GRANT COUNTY SHERIFF SUGGESTING IT WOULD REPLACE NONVIOLENT OFFENDERS WITH VIOLENT ONES. THIS WHOLE THING HAS BEEN, YOU KNOW, FROM THE TIME WE BROUGHT THIS BILL, KIND OF JUST SCARE TACTICS, I GUESS, MY CHARACTERIZATION OF IT AS REEFER MADNESS. [LB643]

SENATOR McCOY: ARE YOU SAYING THEN, SENATOR GARRETT, THAT YOU THINK THAT CONCERNS ABOUT YOUR LEGISLATION ARE BASELESS? [LB643]

SENATOR GARRETT: NO, I'M NOT SAYING THAT AT ALL. I'M SAYING THAT I THINK IT'S...MEDICAL MARIJUANA HAS DEMONSTRATED MEDICAL EFFICACY. AND WE WANT TO CONTROL THIS. WE DON'T WANT TO BE LIKE COLORADO AND CALIFORNIA. WE NEED TO BRING HELP TO SICK AND AILING NEBRASKANS, AND WE WANT TO DO THIS VIA THIS LAW. I HAVE A GOOD FRIEND WHO IS THE FORMER GOVERNOR OF COLORADO. I ASKED HIM LAST WEEK. I SAID REMIND ME AGAIN HOW IT IS THAT COLORADO CAME TO MEDICAL MARIJUANA. HE SAID IT WAS A BALLOT INITIATIVE. AND BECAUSE IT WAS A BALLOT INITIATIVE AND IT PASSED, THE LEGISLATURE AND THE GOVERNOR HAD NO CONTROL OVER WHAT WAS HAPPENING. AND SO DOCTORS WERE BEING ABLE TO PRESCRIBE AFTER A 15-MINUTE DOCTOR'S VISIT. HE SAID EVERY 18- TO 25-YEAR-OLD SNOWBOARDER CAME INTO A DOCTOR AND SAID IT HURTS WHEN I DO THIS, GOT A SCRIPT FOR MEDICAL MARIJUANA. IT COST HIM \$250, AND DOCTORS WERE SEEING FOUR PATIENTS AN HOUR AND MAKING \$250 FOR A 15-MINUTE APPOINTMENT. THEY WERE MAKING \$1,000 AN HOUR AND JUST GETTING THE PATIENTS RIGHT OUT THE DOOR. [LB643]

SENATOR SCHEER: ONE MINUTE. [LB643]

SENATOR GARRETT: AND THAT'S WHAT I GUESS I'M SAYING, IS THAT WE IN THE LEGISLATURE, I THINK WE NEED TO PASS A LAW. AND WE NEED TO TIGHTLY CONTROL WHAT WE CAN USE THIS FOR RATHER THAN HAVE THIS BE A BALLOT

Floor Debate
May 07, 2015

INITIATIVE. AND I'M TELLING YOU I'VE ALREADY SEEN THE BALLOT. IT WILL BE A BALLOT INITIATIVE. IF WE DON'T DO SOMETHING ABOUT IT, OTHERS WILL. AND I'D RATHER THAT WE CONTROL IT AND MAKE SURE IT DOESN'T GET OUT OF CONTROL. [LB643]

SENATOR McCOY: WELL, THANK YOU, SENATOR GARRETT. AND I'LL HAVE FUTURE TIMES ON THE MICROPHONE TO SPEAK MORE WITH THAT, BUT I WANT TO PICK UP THAT THREAD OF CONVERSATION AT A LATER TIME IN THE MICROPHONE. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR SCHEER: THANK YOU, SENATORS GARRETT AND McCOY. SENATOR KINTNER. [LB643]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, THIS IS AN ISSUE THAT I HAVE STRUGGLED WITH. IT'S...FIRST BLUSH, IT DOES LOOK GOOD, BUT AS YOU LOOK AT IT FURTHER, I LIKE SOME OF THE CONTROLS THAT HAVE BEEN PUT ON IT. AND TO BE HONEST WITH YOU, I JUST DON'T HAVE A CLEAR CONSCIENCE EITHER WAY. AND I PRAYED ABOUT IT. I JUST HAVE NOT BEEN ABLE TO COME UP WITH A REAL CLEAR MIND-SET AS TO WHERE I SHOULD GO ON THIS. BUT I DID WANT TO SAY THIS TODAY. TODAY IS THE NATIONAL DAY OF PRAYER. IT IS THE DAY THAT WE ASK PEOPLE TO STOP WHAT THEY'RE DOING FOR A LITTLE BIT, GET ON THEIR KNEES, AND PRAY FOR OUR NATION. PRAY FOR PRESIDENT OBAMA, PRAY FOR GOVERNOR RICKETTS, PRAY FOR CONGRESS, AND ABOVE ALL I THINK FOR US, PRAY FOR THIS BODY. AND THIS IS THE 64th ANNIVERSARY OF THE NATIONAL DAY OF PRAYER. SO IF MY WRIGHT STATE UNIVERSITY MATH IS CORRECT, THAT THE FIRST DAY OF PRAYER WAS DURING THE TRUMAN ADMINISTRATION. SO FROM THE TRUMAN ADMINISTRATION TO THE EISENHOWER ADMINISTRATION AND KENNEDY AND JOHNSON AND NIXON AND FORD AND THEN CARTER AND REAGAN AND BUSH AND CLINTON AND BUSH AND OBAMA, WE'VE HAD EVERY PRESIDENT SINCE 1951 HAS SEEN IT AS THE RIGHT THING TO DO AND DECLARE THIS A NATIONAL DAY OF PRAYER. IF YOU LOOK ON D-DAY IN 1944, FRANKLIN ROOSEVELT WENT ON THE RADIO AND SAID A PRAYER FOR OUR BRAVE BOYS WHO WERE GOING TO, FOR SOME OF THEM, CERTAIN DEATH ON THE BEACHES OF FRANCE. AND WE'VE GOTTEN FREE, FAR AWAY FROM THAT. AND I'M NOT...I DON'T THINK OUR COUNTRY IS BETTER OFF FOR IT. AND THE NEAT THING ABOUT OUR COUNTRY IS WE'VE ALWAYS WELCOMED CHRISTIANS, BUT ALSO JEWS OR ANYONE ELSE. AND THAT'S PART OF OUR RELIGIOUS FREEDOM IS NOT ONLY FREEDOM TO WORSHIP THE WAY YOU SEE FIT, BUT FREEDOM NOT TO WORSHIP TOO. AND THAT'S WHAT'S MADE OUR COUNTRY GREAT I THINK GREAT. AND AT OUR OWN PERIL WE TURN OUR BACKS

Floor Debate
May 07, 2015

ON THAT HERITAGE, AND WE TURN OUR BACKS ON WHAT...ON THE...ON WHAT PEOPLE HAVE DONE TO SEEK GUIDANCE. SO I ASK PEOPLE AT HOME AND I ASK MY COLLEAGUES AND ANYONE LISTENING TO THIS TO TAKE SOME TIME TODAY AND PRAY FOR YOUR FAMILY AND PRAY FOR YOUR GOVERNMENT AND ASK THAT WE SEEK GOD'S WISDOM AND NOT MAN'S WISDOM. WITH THAT, IF I HAVE ANY ADDITIONAL TIME, I WILL YIELD IT TO SENATOR GARRETT. [LB643]

SENATOR SCHEER: SENATOR GARRETT, YOU'RE YIELDED 1 MINUTE, 35 SECONDS. [LB643]

SENATOR GARRETT: THANK YOU, SENATOR KINTNER. THERE IS SO MUCH I WANT TO SAY. COLLEAGUES, THERE IS NO NATIONAL CRISIS HERE. PEOPLE ARE NOT DYING FROM CANNABIS. WE ALL KNOW, EVERYBODY IN THIS BODY KNOWS THAT CANNABIS HAS BEEN AROUND FOR A LONG TIME. YOU CAN WALK WITHIN TWO BLOCKS OF THIS FACILITY AND PROBABLY BUY ALL THE CANNABIS THAT YOU COULD CARE TO FIND. BUT I TELL YOU WHAT PEOPLE ARE DYING FROM. THEY'RE DYING FROM OPIOIDS AND PRESCRIPTION DRUGS IN THE TENS OF THOUSANDS. YOU KNOW, ONE OF THE THINGS THAT WE DID WITH OUR ORIGINAL BILL, THE VETERANS WERE UPSET BECAUSE WE TOOK PTSD OUT OF IT. THERE ARE SO MANY VETERANS WITH PTSD THAT ARE...YOU KNOW, THERE'S A... [LB643]

SENATOR SCHEER: ONE MINUTE. [LB643]

SENATOR GARRETT: ...250 PERCENT INCREASE. THANK YOU. ONE MINUTE? OKAY. THERE'S A 250 PERCENT INCREASE IN PRESCRIPTIONS FOR OPIOIDS FOR VETERANS WITH PTSD. THEY'RE WALKING AROUND LIKE ZOMBIES ON THESE THINGS. AND MEDICAL MARIJUANA HAS DEMONSTRATED EFFICACY AGAINST THOSE DISEASES. THERE WAS A PHARMACIST OUT HERE FROM CONNECTICUT TWO WEEKS AGO, DR. AL DOMEIKA. HE'S ONE OF THE PHARMACISTS ASSOCIATED WITH PRIME WELLNESS, WHO'S ASSOCIATED WITH THE MEDICAL MARIJUANA PROGRAM IN CONNECTICUT. HE SAID 16,000 OPIATE OVERDOSES EVERY YEAR, EVERY YEAR IN THE UNITED STATES, 16,000. CONNECTICUT SAW A 29 PERCENT DROP IN OPIATE OVERDOSES SINCE THEY'VE DONE MEDICAL MARIJUANA. THERE'S BEEN A 25 PERCENT DROP IN OPIATE OVERDOSES IN STATES THAT LEGALIZED MEDICAL MARIJUANA. BOY, WHERE TO START WITH THE PHARMACIES. OF THE 24 STATES, THERE'S ONLY 2 THAT... [LB643]

SENATOR SCHEER: TIME, SENATOR. [LB643]

Floor Debate
May 07, 2015

SENATOR GARRETT: THANK YOU. [LB643]

SENATOR SCHEER: THANK YOU, SENATOR GARRETT AND SENATOR KINTNER. THOSE WAITING IN THE QUEUE: SENATOR BRASCH, BLOOMFIELD, PANSING BROOKS, GARRETT, AND OTHERS. SENATOR BRASCH. [LB643]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I DO STAND IN OPPOSITION TO LB643. AND AS SENATOR KINTNER MENTIONED, THE NATIONAL DAY OF PRAYER, A DAY DOES NOT GO BY WHERE I DO NOT PRAY...OR INCLUDE IN MY PRAYERS. I PRAY DAILY FOR THOSE WHO ARE SUFFERING, IN NEED OF HEALING, AND IN NEED OF COMFORT. BUT LOOKING THROUGH THIS BILL, I'VE BEEN READING THE TRANSCRIPT AND SEEING WHAT THE PROPONENTS HAVE SAID AND WHAT THE OPPONENTS ARE SAYING, AND THERE ARE A LOT OF FACTS HERE, THAT THIS BILL IS VERY TECHNICAL AND INDEED IT IS. AND ALTHOUGH THEY'VE TRIED TO TAKE THE BEST OF THE BEST OF THE 23 STATES, WHAT THEY HAVE FOUND AND WHAT HAS BEEN IMPLEMENTED IS STILL VERY NEW, VERY NEW LAWS AND THE USAGE AND THE SELF-TREATMENT DOESN'T HAVE SCIENTIFIC BACKING TO IT AT THIS POINT, OR I DO BELIEVE THE AMERICAN MEDICAL ASSOCIATION WOULD BE ONE OF THE FIRST OF THOSE THAT IS COMPASSIONATE TO THOSE WHO ARE IN NEED OF THE ASSISTANCE AND MEDICINE TO BRING THIS FORWARD. AND BECAUSE WE DON'T HAVE ANY REALLY LONG-TERM, TIME-TESTED HISTORY OF WHAT MEDICAL MARIJUANA CAN OR CANNOT DO, I DO REMAIN CONCERNED OF MOVING FORWARD AND BEING ONE OF THE STATES THAT FINDS UNFORESEEN CONSEQUENCES, WHETHER THESE ARE REGULATORY CONSEQUENCES OR MEDICAL CONSEQUENCES. AND I WONDER WHEN WE SAY WE PULLED OUT THE BEST, WHAT IS...WHAT ARE WE DEFINING? THE BEST HOW? WHAT ARE WE JUDGING THAT BASIS FOR? WHAT ARE THE MARKERS? WHAT ARE THE INDICATORS OF SUCCESSFUL TREATMENT OR SUCCESSFUL PAIN RELIEF? AND THEN BACK TO REGULATORY, WHAT ARE WE BRINGING THROUGH OUR DOOR HERE? MANY OF THE STATES I HAVE HEARD THAT STARTED WITH MEDICAL MARIJUANA ARE THOSE ONES NOW TRYING TO LEGISLATE THE USE OF MARIJUANA. NEBRASKA BY OUR HISTORY, BY OUR TRADITION, BY OUR LONGTIME REPUTATION OF HAVING COMMON SENSE, WE'RE NOT A STATE THAT MAKES CHANGES JUST BECAUSE OTHER STATES DO IT. WE ARE THE ONLY STATE WITH THE UNICAMERAL. WE'RE NOT RUSHING TO CHANGE THAT BECAUSE 49 OTHER STATES HAVE TWO-HOUSE LEGISLATURES. WE'VE STAYED WITH THAT, IT'S WORKING. WE'RE THE ONLY STATE WITH THE PUBLIC POWER. WE LIKE THAT STRUCTURE TOO. WE BELIEVE IT'S REASONABLE, YOU KNOW, AFFORDABLE, A LOT OF REASONS TO BE UNIQUE IN THAT WAY. WE'RE UNIQUE WITH OUR

Floor Debate
May 07, 2015

NATURAL RESOURCES DISTRICTS. I WOULD SAY DON'T RUSH INTO SOMETHING THAT STILL HAS A VERY SHORT HISTORY OF REGULATION. OUR COURTS, WE HAVE DRUG COURTS THAT ARE DAILY FIGHTING SUBSTANCE ABUSE ISSUES. OUR PRISONS ARE FIGHTING, MAKING ROOM FOR THOSE WITH SUBSTANCE ABUSE ISSUES. AND THE INDIVIDUALS THAT CAME TO TESTIFY AS OPPONENTS TO THIS... [LB643]

SENATOR SCHEER: ONE MINUTE. [LB643]

SENATOR BRASCH: ...THEY HAVE CREDENTIALS. WE'RE NOT TALKING ABOUT THE REEFER MADNESS PEOPLE STEPPING IN. THESE ARE INDIVIDUALS WITH MEDICAL CREDENTIALS. THE NEBRASKA MEDICAL ASSOCIATION IS NOT COMFORTABLE MOVING FORWARD UNTIL WE HAVE A GOOD, RELIABLE MEASUREMENT OF WHAT IS HAPPENING TO THOSE INDIVIDUALS. REASONABLE INDIVIDUALS WITH CONCERNS OF AND CLAIMS THAT SIMPLY HAVE TOO MANY UNANSWERED QUESTIONS. AND AGAIN, COLLEAGUES, I ENCOURAGE YOU TO READ THROUGH THE TRANSCRIPT. WE WILL KEEP THOSE IN PAIN IN OUR PRAYERS. WE WILL KEEP THOSE PRAYERS MOVING FORWARD, BUT WHEN LEGISLATION MOVES FORWARD... [LB643]

SENATOR SCHEER: TIME, SENATOR. [LB643]

SENATOR BRASCH: THANK YOU. [LB643]

SENATOR SCHEER: THANK YOU, SENATOR BRASCH. SENATOR BLOOMFIELD. [LB643]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. AND SOMETHING I'LL RARELY SAY IS GOOD AFTERNOON, NEBRASKA, BECAUSE I THINK NEBRASKA PROBABLY IS WATCHING THIS LEGISLATION. I HAVE NOT TOTALLY DECIDED WHERE I'M GOING TO GO ON THIS YET. I'M LEANING TOWARD SUPPORTING IT. BUT I WANT PEOPLE ACROSS THE STATE AND WITHIN THIS BODY TO KNOW A FEW THINGS ABOUT SENATOR GARRETT. SENATOR GARRETT AND I SIT ABOUT SIX FEET APART ON THE CHAMBER FLOOR. WE ARE NEXT DOOR TO ONE ANOTHER WITH OUR OFFICES. I FIRST MET SENATOR GARRETT WHEN HE CAME TO THIS BODY AND HAVE GOTTEN TO KNOW HIM A LITTLE BETTER AS TIME GOES ON. HE DID NOT TAKE THIS BILL UP LIGHTLY. SENATOR WILLIAMS MENTIONED ALL THE CHANGES. COLLEAGUES, THOSE CHANGES CAME ABOUT TRYING TO MAKE THIS A BETTER

Floor Debate
May 07, 2015

BILL. THIS WAS OFFERED TO OTHER PEOPLE THAT WOULD NOT TAKE IT UP. SENATOR GARRETT, IN HIS PAST SERVING IN THE MILITARY FOR AS LONG AS HE DID, HAS BEEN WILLING TO LAY HIS LIFE ON THE LINE TO PROTECT THIS COUNTRY AND THE PEOPLE IN IT. HE HAS ALSO BEEN WILLING TO TAKE UP A CHALLENGE THAT A LOT OF US WOULD NOT TAKE UP WITH THIS. I THINK WE NEED TO LOOK CAREFULLY AT THIS BILL. IT IS NOT BEING BROUGHT, DESPITE HIS PONYTAIL AND BEARD RIGHT NOW, BY A HIPPIE THAT WANTS TO GET HIS HANDS ON SOME POT. THIS IS A SERIOUS MAN WITH SERIOUS INTENTIONS TO HELP PEOPLE. HE DOES NOT TAKE THAT CHALLENGE LIGHTLY. MOST OF THE SENATORS IN THIS BODY HAVE MET MY WIFE SEVERAL TIMES. I DON'T KNOW HOW MANY OF YOU KNOW THAT SHE SERVED AS A SPECIAL ED TEACHER FOR WELL OVER 20 YEARS WORKING WITH SEVERELY AND PROFOUNDLY HANDICAPPED CHILDREN. I AM PAINFULLY FAMILIAR WITH THE SEIZURES AND THE FITS AND THE COMPLICATIONS THAT THESE PEOPLE CAN HAVE. ANYTHING WE CAN DO TO HELP THAT, WE NEED TO BE DOING. I'M ALSO UNFORTUNATELY AWARE OF SOME OF THE RESULTS OF PEOPLE JUST SMOKING MARIJUANA AS THEY SEE FIT BECAUSE IT LEADS TO OR CAN CAUSE BAD THINGS TO HAPPEN. WE DON'T NEED THAT EITHER. SENATOR GARRETT HAS WORKED A GREAT DEAL TO LIMIT THIS TO WHERE IT IS MEDICALLY BENEFICIAL AND NOT JUST SOMETHING ANYBODY CAN GET THEIR HANDS ON AND FIRE UP OR BUY AT THE LOCAL POT SHOP OR FROM THE GUY ON THE STREET SELLING ILLEGALLY. I DON'T KNOW WHERE THIS DEBATE IS GOING TO TAKE US. I HOPE WE HAVE A LONG AND DELIBERATE DEBATE ON IT. I WILL BE, GOING FORWARD, YIELDING AS MUCH TIME AS I THINK SENATOR GARRETT MAY NEED TO HELP HIM EXPLAIN WHAT HE HAS DONE. THIS IS A SERIOUS ISSUE... [LB643]

SENATOR SCHEER: ONE MINUTE. [LB643]

SENATOR GARRETT: ...BROUGHT TO US BY A SERIOUS MAN. AND I WOULD AT THIS POINT YIELD THE REMAINDER OF MY TIME TO SENATOR GARRETT. [LB643]

SENATOR SCHEER: SENATOR GARRETT, YOU'RE YIELDED 50 SECONDS. [LB643]

SENATOR GARRETT: THANK YOU, SENATOR BLOOMFIELD. COLLEAGUES, I AM DEEPLY HONORED TO BE A PART OF THIS INSTITUTION. WHEN GOVERNOR HEINEMAN APPOINTED ME IN DECEMBER 2013, I WAS DEEPLY MOVED AND HONORED, AND IT IS A PRIVILEGE AND AN HONOR TO BE ABLE TO SERVE IN THIS INSTITUTION. AGAIN, AT THE END OF THE DAY, IT'S ALL ABOUT MAKING LIFE BETTER FOR NEBRASKANS. I HONESTLY, SINCERELY BELIEVE THAT THIS

Floor Debate
May 07, 2015

BILL...THE LAST DAY THAT WE COULD INTRODUCE NEW LEGISLATION, SOME MOMS CAME TO OUR OFFICE AND THEY WERE PLEADING. THEY HAD BEEN SUPPORTERS OF SENATOR CRAWFORD'S LB390. AND THEY HAD READ THE BILL AND FELT THAT IT DIDN'T GO FAR ENOUGH AND IT WASN'T GOING TO HELP THEIR CHILDREN. [LB643 LB390]

SENATOR SCHEER: TIME, SENATOR. [LB643]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. [LB643]

SENATOR SCHEER: THANK YOU, SENATOR GARRETT AND SENATOR BLOOMFIELD. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB643]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I WANT TO RISE AND THANK SENATOR GARRETT FOR HIS COURAGEOUS STAND. WHEN HE CAME TO ME EARLY ON ONE OF THE FIRST WEEKS OF THE SESSION, HE SAID WOULD YOU LIKE TO JOIN SENATOR EBKE, SENATOR CRAIGHEAD AND I ON THE CANNABIS COMPASSION ACT FOR MEDICAL MARIJUANA. AND I HAD ALREADY SIGNED ON TO SENATOR CRAWFORD'S BILL FOR THE STUDY IN OMAHA. AND I FELT THAT, GOSH, IT SEEMS A LITTLE BIT GIVE AND TAKE. AND THEN I THOUGHT I THINK IT'S IMPORTANT THAT WE DISCUSS THIS. AND I DIDN'T KNOW A LOT ABOUT IT REALLY, AND WHEN I TOLD MY KIDS THAT I'D DONE THAT THEY THOUGHT IT WAS QUITE AMUSING THAT THEIR MOM HAD SIGNED ON TO THIS. BUT OF COURSE, IT'S NOT REALLY AMUSING. WHAT THIS IS, IS SERIOUS. WE HAD, OF COURSE, VERY AMAZING AND EMOTIONAL HEARINGS, A HEARING THAT YOU ALL KNOW ABOUT. BUT I WANT TO CLARIFY THAT THIS IS NOT ABOUT STONERS SMOKING WEED. THIS ISN'T ABOUT PEOPLE ENJOYING A TOKE HERE OR THERE BECAUSE THAT'S THE HUMOROUS PART THAT PEOPLE SEEM TO BRING UP AND THINK, OH, ISN'T THIS FUNNY. THIS IS NOT FUNNY. THIS IS SERIOUS. AS YOU TALK ABOUT NATIONAL PRAYER DAY THIS IS SOMETHING THAT WE NEED TO UNWRAP AND THINK ABOUT FOR THE PEOPLE THAT ARE IN OUR STATE WHO ARE HAVING HUNDREDS OF SEIZURES A DAY, WHO ARE SUBJECTED TO CHRONIC PAIN SYNDROME. THIS IS ABOUT MOTHERS WHO ARE BEING PRESCRIBED DRUGS SO THEY'RE IN AN OPIATE DRUGGED-OUT ZOMBIE STATE AND MISS GREAT PORTIONS OF THEIR LIVES WITH THEIR FAMILIES. WE HEARD NUMEROUS STORIES ABOUT ADDICTIONS, ABOUT PEOPLE ADDICTED TO THE OPIATES. WE HAVE HEARD STORIES OF PARENTS BEING TOLD BRAIN SURGERY IS YOUR NEXT OPTION. REALLY? HOW MANY OF YOU IN HERE WOULD CHOOSE BRAIN SURGERY FOR YOUR CHILD OVER ONE SIMPLE TOOL? MAYBE, JUST MAYBE, MEDICAL

Floor Debate
May 07, 2015

MARIJUANA MIGHT HELP. TELL ME THAT YOU WOULD CHOOSE TO HAVE YOUR CHILD'S BRAIN AND SKULL OPENED PRIOR TO ATTEMPTING TO SEE IF POSSIBLY MEDICAL MARIJUANA WOULD HELP. SO THIS IS ONE EXTRA CHOICE. THIS IS ONE EXTRA TOOL IN A PHYSICIAN'S TOOL BAG. AS WE KNOW, SCIENCE IS AS MUCH ART AS IT IS FACT. WE TRUST OUR PHYSICIANS. BUT, AGAIN, I BELIEVE WE NEED TO KEEP GOVERNMENT OUT OF THIS BUSINESS. WE NEED TO UNDERSTAND ALSO THERE WAS SOME QUESTION PREVIOUSLY ABOUT THE FACT THAT IT'S NOT EXACTLY PRECISE ON THE MEDICAL REGULATIONS. MORE COULD BE DONE WITH THAT. WELL, I PROBABLY AGREE WITH THAT, BUT GUESS WHAT COMMITTEE IT CAME TO. IT CAME TO JUDICIARY, AND THE JUDICIARY COMMITTEE DOES NOT SPEND ALL THE TIME LOOKING TO SEE IF EVERY REGULATION IS PRECISE AND CORRECT. OUR JOB IN JUDICIARY WAS TO DETERMINE WHETHER OR NOT TO BRING VALID POLICY ISSUES TO THE FLOOR. WE INTENTIONALLY LEFT THE REGULATORY SPECIFICS AND THE IMPLEMENTATION TO HHS. AND I THINK THAT WAS A VALID DECISION ON OUR PART. THIS PLANT HAS BEEN... [LB643]

SENATOR SCHEER: ONE MINUTE. [LB643]

SENATOR PANSING BROOKS: ...AVAILABLE FOR DECADES, DECADES. WE ALL KNOW THAT. WE KNOW THAT IT IS NONADDICTIVE. THIS IS MERELY A TOOL IN THE TOOL CHEST FOR PHYSICIANS. IF A PHYSICIAN DOESN'T WANT TO USE IT, DOESN'T THINK IT'S GOING TO BE VALUABLE, THEN FINE, DON'T USE IT. I HAVE NO PROBLEM WITH THAT. BUT IF IT COULD POSSIBLY HELP A CHILD WHO'S HAVING HUNDREDS OF SEIZURES A DAY AS WE SAW IN THE TESTIMONY, AS SANJAY GUPTA SHOWED ON HIS SHOW, THEN WHY SHOULDN'T WE MAKE IT AVAILABLE? MORPHINE IS MUCH MORE ADDICTIVE, MUCH MORE DANGEROUS. I WATCHED MY FATHER DIE FROM LUNG CANCER. AND AT THE END, HE WAS IN A MORPHINE-INDUCED STATE. IS THAT WAY BETTER THAN POSSIBLY SEEING IF MARIJUANA COULD HAVE HELPED TO RELIEVE SOME OF THE PAIN? WHICH OF YOU CAN TELL ME THAT A MORPHINE-INDUCED STATE... [LB643]

SENATOR SCHEER: TIME, SENATOR. [LB643]

SENATOR PANSING BROOKS: ...IS BETTER? THANK YOU, MR. PRESIDENT. [LB643]

SENATOR SCHEER: THANK YOU, SENATOR PANSING BROOKS. SENATOR GARRETT, YOU'RE RECOGNIZED. [LB643]

Floor Debate
May 07, 2015

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. IF I CAN PICK UP WHERE I LEFT OFF. WHEN I BROUGHT THIS BILL, IT WAS BECAUSE THE MOMS, THEY HAD COME TO MY OFFICE AND THEY WERE CONCERNED. THEY HAD READ OVER LB390 AND FELT THAT IT DIDN'T GO FAR ENOUGH AND THAT NOT ENOUGH CHILDREN WERE GOING TO BE INVOLVED WITH THE STUDY. AND I HAD ORIGINALLY SIGNED ON TO LB390 LAST YEAR AND WAS RATHER UPSET WHEN THE BILL WAS PULLED BECAUSE THE UNIVERSITY OF NEBRASKA PROFESSORS HAD REFUSED TO SIGN ON TO THE BILL. AND THAT WAS ONE OF SENATOR CRAWFORD'S INITIAL REQUIREMENTS WAS THAT UNIVERSITY OF NEBRASKA SIGN OFF ON THAT. WELL, BEING NEW TO THE LEGISLATURE I WAS PRETTY FIRED UP. SOME OF MY CONSTITUENTS HAVE CHILDREN WHO ARE SUFFERING WITH EPILEPSY AND INTRACTABLE SEIZURES. AND IF THERE'S ONE THING I CAN'T STAND, IT'S PROCRASTINATION. WE HAVE AN OPPORTUNITY TO DO SOMETHING. WE HAVE AN OPPORTUNITY TO HELP PEOPLE, TO BE COMPASSIONATE, AND WE KICKED THE CAN DOWN THE ROAD. WE DO THIS PARALYSIS THROUGH ANALYSIS. AND WE JUST...WE SO EASILY AND CAVALIERLY JUST SAY, OH, WE'LL WAIT ANOTHER YEAR, WE'LL STUDY IT. NO. THAT'S...WHAT KIND OF NONSENSE IS THAT? YOU KNOW, WHEN I HEARD THE ACTING DIRECTOR OF HHS GET UP AND TESTIFY AS AN OPPONENT ABOUT HOW DIFFICULT THIS WAS GOING TO BE TO IMPLEMENT, I WANTED TO COME OUT...MY JAW WAS SO TIGHT. I WANTED TO COME OUT OF MY SEAT AND SAY, YOU WANT TO KNOW WHAT'S HARD? HARD IS HAVING A CHILD THAT'S HAVING SEIZURES, GRAND MAL SEIZURES AT 2:00 IN THE MORNING. THAT'S WHAT'S HARD. DON'T TELL ME ABOUT HOW HARD THIS IS GOING TO BE TO IMPLEMENT. WE HAVE 24 STATES, THE DISTRICT OF COLUMBIA, GUAM, PUERTO RICO HAVE GONE AHEAD OF US. THEY'VE GOT PROGRAMS. LET'S LOOK HOW THEY'VE DONE IT. WE DON'T HAVE TO REINVENT THE WHEEL. WE'RE NOT ASKING NEBRASKA TO PUT A MAN ON THE MOON. WE'RE ASKING ABOUT HAVING SOME COMPASSION FOR SOME AMERICANS WHO ARE HURTING, SOME NEBRASKANS WHO ARE HURTING, AND THIS MEDICAL CANNABIS HAS SHOWN EFFICACY AGAINST...HELPING THOSE PEOPLE. AND IT'S DISINGENUOUS I THINK TO SIT HERE AND SAY, WELL, LET'S WAIT FOR THE FDA. WELL, MEDICAL CANNABIS HAD BEEN PART OF THE U.S. PHARMACOPOEIA UP UNTIL 1942. WE'VE KNOWN FOR HOW LONG NOW? NOW, I'M NOT A CONSPIRACY THEORIST, BUT YOU KNOW, IT SURE SEEMS LIKE BIG PHARMA HAS GOT THEIR FINGERPRINTS ALL OVER THIS. WHY HAVEN'T WE DONE THIS? WHY 40 YEARS AGO DID A DOCTOR TELL MY FATHER-IN-LAW WHO WAS DYING THAT IF YOU CAN GET SOME MARIJUANA IT WILL REALLY HELP WITH YOUR SYMPTOMS FROM CHEMOTHERAPY? ANOTHER ONE OF MY COLLEAGUES IN HERE HAS HAD THAT SAME KIND OF STORY. COLLEAGUES, THIS IS DISINGENUOUS TO SAY, LET'S WAIT, LET'S STUDY IT ANOTHER YEAR, LET'S

Floor Debate
May 07, 2015

WAIT FOR THE FDA. THE FDA IS NOT DOING ANYTHING. PRESIDENT OBAMA HAS TOLD THE DEPARTMENT OF JUSTICE TO LEAVE THOSE STATES ALONE THAT HAVE IMPLEMENTED MEDICAL MARIJUANA PROGRAMS. AND YOU TALK ABOUT HOW WE'RE GOING TO GET IT. WELL, ONE OF THE THINGS THAT HE TOLD THE DEPARTMENT OF JUSTICE IS THAT NEIGHBORING STATES WHO HAVE MEDICAL MARIJUANA CAN TRANSFER IT ACROSS STATE LINES. SO LET ME SEE. WHO ARE WE NEXT TO? IOWA WHICH HAS LEGALIZED IT, COLORADO, NEW MEXICO, ARIZONA, CALIFORNIA, SO WE HAVE A READY PIPELINE THAT WE CAN GET MEDICAL MARIJUANA. SO YOU CAN COME UP WITH ALL THE ARGUMENTS YOU WANT TO ABOUT THIS, THAT, AND THE OTHER THING, AND ARGUE ABOUT HOW THE GREEN COPY CHANGED TO THE WHITE COPY AND THIS, THAT, AND THE OTHER THING. WE WERE TRYING TO IMPROVE THAT BILL CONSISTENTLY. WE WENT FROM AM680 TO THE NEXT AMENDMENT TRYING TO MAKE IT EVEN TIGHTER. WE SAID FROM DAY ONE THAT WE WANTED TO MAKE THIS BILL SO TIGHT, AIRTIGHT, THAT IT COULD NOT BE ABUSED. AND THAT'S WHAT WE WERE TRYING TO DO WITH THOSE AMENDMENTS. SO YOU CAN MAKE IT SOUND LIKE THE AMENDMENTS WERE US TRYING TO MAKE UP FOR A FAULTY BILL. NO, WE WERE TRYING TO MAKE THAT SO AIRTIGHT THAT NOBODY COULD ABUSE IT. WE NEED THIS TO HELP PEOPLE. IT MELTS MY HEART... [LB643 LB390]

SENATOR SCHEER: ONE MINUTE. [LB643]

SENATOR GARRETT: ...WHEN I SEE THESE CHILDREN...THANK YOU, MR. PRESIDENT...WHEN I SEE THESE CHILDREN WITH THEIR SEIZURES. DOGGONE IT, COLLEAGUES, WE ARGUE CIGAR BARS. WE ARGUE ALL MANNER OF THINGS. I'M NOT DENIGRATING THE IMPORTANCE OF SOME OF THE THINGS THAT WE ARGUE IN HERE. BUT, MY GOD, HERE'S SOMETHING THAT WE CAN DO TO HELP NEBRASKANS THAT ARE HURTING. AND YOU SAY, OH, A SMALL SUBSET. YOU TELL THAT TO THE OVER 100 PROPONENTS THAT SHOWED UP FOR OUR TESTIMONY BEFORE THE JUDICIARY COMMITTEE WITH ALL MANNER OF DISEASES. AND WE WENT UNTIL 10:00 THAT NIGHT, AND WE HAD TO CUT OFF TESTIMONY. AND FOLKS WHO HAD TRAVELED FOR HUNDREDS OF MILES AND HOURS TO COME HERE AND GIVE THEIR TESTIMONY DIDN'T GET TO GIVE THEIR TESTIMONY, WHICH WAS WRONG. BUT THERE ARE SO MANY IN NEBRASKA...I THOUGHT THIS WAS THE THIRD-RAIL ISSUE FOR ME POLITICALLY, BRINGING THIS ISSUE. BUT I TELL YOU, NEBRASKANS FROM ALL OVER THE STATE AND EVEN THAT ARE LIVING OUTSIDE OF THE STATE CAME AND SAID THANK YOU FOR BRINGING THIS. THE INFORMATION IS THERE IF YOU WILL BUT LOOK AT IT... [LB643]

Floor Debate
May 07, 2015

SENATOR SCHEER: TIME, SENATOR. [LB643]

SENATOR GARRETT: ...AND DO THE RESEARCH. THANK YOU, MR. PRESIDENT.
[LB643]

SENATOR SCHEER: THANK YOU, SENATOR GARRETT. (VISITORS INTRODUCED.)
SENATOR COASH, YOU'RE RECOGNIZED. [LB643]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. CERTAINLY APPRECIATE SENATOR GARRETT'S PASSION. HE'S WORKED HARD ON THIS BILL, AND I THINK YOU UNDERSTAND WHY. I WANTED TO TAKE A MOMENT TO EXPLAIN WHERE I GOT TO WHERE I AM ON THIS PARTICULAR BILL. WHEN IT WAS INTRODUCED, I LOOKED AT THIS BILL AND I LOOKED AT WHAT SENATOR CRAWFORD HAD INTRODUCED AND I WAS DISAPPOINTED THAT SENATOR CRAWFORD'S BILL WASN'T ABLE TO BE DEBATED LAST YEAR, AND I WAS HAPPY TO SEE THAT SHE BROUGHT IT BACK. AND ORIGINALLY I THOUGHT, WELL, YOU KNOW WHAT, LET'S DO SENATOR CRAWFORD'S BILL. LET'S GET THAT PASSED. THAT WILL HELP SOME PEOPLE, AND THAT WILL BE GOOD ENOUGH. AND REGARDLESS OF WHAT HAPPENS WITH LB643, I'M GOING TO SUPPORT SENATOR CRAWFORD'S BILL. BUT I ORIGINALLY HAD DECIDED NOT TO SUPPORT SENATOR GARRETT'S BILL. AND FOR THAT REASON, I DIDN'T PUT MUCH BRAIN MATTER INTO HOW IT WOULD WORK AND JUST KIND OF DISMISSED IT. THEN I STARTED TO MEET SOME OF THE FAMILIES WHO WOULD BE HELPED BY THIS BILL, AND THESE WERE MAINLY PARENTS THAT WERE TALKING TO MEMBERS OF THE COMMITTEE, MANY OF YOU, AND THEY WERE TALKING ON BEHALF OF THEIR CHILDREN. AND I DID WHAT I TRY TO DO ON EVERY BILL, I TRY TO EXAMINE HOW THIS IS GOING TO...HOW WOULD I APPROACH THIS IF THIS WERE MY FAMILY? WHAT WOULD I DO? AND AT THE END OF THE DAY I SAW MYSELF IN THOSE PARENTS, I SAW MY CHILD IN THEIR CHILD, AND I WOULD HAVE DONE WHAT THEY ARE DOING. I WOULD DO ANYTHING I COULD FOR THE HEALTH OF MY CHILD. AND I WOULD BE DOWN HERE EVERY DAY AS THEY HAVE BEEN, AND I WOULD ADVOCATE AND I'D SHARE MY STORY. AND IF LB643 DIDN'T PASS, I'D PACK UP AND I'D MOVE TO ANOTHER STATE. IT'S WHAT I WOULD DO--WOULDN'T EVEN BE A QUESTION. AND SENATOR GARRETT'S BILL HAS AN OPPORTUNITY TO HELP THOSE FAMILIES, AND I STILL HAD CONCERNS, AND THAT LED ME TO THE AMENDMENT THAT WE'RE DEBATING. BY THE WAY, COLLEAGUES, THAT AMENDMENT IS NOT PERFECT. IT'S NOT A PERFECT AMENDMENT, BUT WE NEEDED SOMETHING THAT WOULD GET THIS BILL TO THE FLOOR AND ALLOW FOR THE DEBATE THAT WE'RE HAVING, AND I'M GLAD THAT WE'RE HAVING THE DEBATE. I WANT TO TALK A LITTLE BIT

Floor Debate
May 07, 2015

ABOUT PROCESS FOR A MOMENT. I THINK THAT THERE ARE SOME OF MY COLLEAGUES IN THIS ROOM WHO NO MATTER WHAT LB643 TURNED INTO, THEY CAN'T SEE THEMSELVES VOTING FOR IT. AND THERE ARE OTHER COLLEAGUES IN THIS ROOM WHO NO MATTER WHAT LB643 LOOKS LIKE, THEY'RE GOING TO VOTE FOR IT. AND THAT'S JUST THE WAY IT IS. AND I DON'T BEGRUDGE PEOPLE ON EITHER SIDE OF THAT ISSUE. BUT THE END OF THE DAY, I WANT TO HAVE A TECHNICALLY GOOD BILL. BUT IF THERE ARE NOT 25 OF US WHO THINK THAT THE CONCEPTS BEHIND LB643 ARE VALUABLE, THEN WE SHOULD STOP WASTING OUR TIME. AND SO WHAT I PROPOSE IS THIS. AND IT'S NOT GOING TO HAPPEN TODAY, AND THAT'S FINE. BUT I WOULD IMPLORE MY COLLEAGUES TO JUST FOR A MOMENT DISREGARD ANY TECHNICAL ASPECTS OF THIS BILL AND ASK YOURSELF, DO YOU AGREE WITH THE CONCEPT OR NOT? AND IF THE ANSWER IS YES, MOVE LB643. IF NO MATTER WHAT... [LB643]

SENATOR SCHEER: ONE MINUTE. [LB643]

SENATOR COASH: ...LB643 TURNS INTO, YOU CAN'T VOTE FOR THIS BILL, THEN I'LL SAY VOTE NO BECAUSE SENATOR GARRETT IS GOING TO TAKE EVERY PIECE OF FEEDBACK HE'S GETTING ON THIS DEBATE. AND HE'S GOING TO DECIDE WHETHER OR NOT HE CAN ADDRESS THOSE CONCERNS, AND HE WILL WORK HARD TO DO IT. BUT IF YOU CAN'T SEE YOURSELF VOTING FOR THIS BILL NO MATTER WHAT, THEN VOTE NO. WE NEED TO KNOW WHERE WE ARE. AND WE'RE AT THE POINT IN THE SESSION WHERE WE CAN'T WASTE A LOT OF TIME ON SOMETHING THAT'S NOT GOING TO PASS. AND I DON'T KNOW WHERE EVERYBODY IS. BUT IF YOU CAN GET BEHIND THE CONCEPT, VOTE FOR IT. IF YOU CAN'T, VOTE AGAINST IT. AND IF IT MOVES FORWARD WE'LL HAVE AN OPPORTUNITY TO TAKE A LOOK AT SOME OF THOSE TECHNICAL THINGS. WE'LL HAVE AN A BILL, COLLEAGUES, THAT'S REFLECTIVE OF AN AMENDMENT, AND WE NEED TO KNOW THAT. SO I'LL ASK YOU TO CONSIDER THAT. YOU'VE GOT FIVE DAYS TO DO SO. FIND OUT WHERE YOU ARE. AND FINALLY PUT YOURSELF IN THE POSITION... [LB643]

SENATOR SCHEER: TIME, SENATOR. [LB643]

SENATOR COASH: ...OF THE FAMILIES WHO WOULD BENEFIT. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR SCHEER: THANK YOU, SENATOR COASH. SENATOR WILLIAMS. [LB643]

Floor Debate
May 07, 2015

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR COASH, FOR YOUR WORDS OF WISDOM ON WHERE WE ARE AS A BODY. I APPRECIATE THAT. I ALSO SINCERELY APPRECIATE SENATOR GARRETT AND THE WORK HE HAS DONE ON THIS AND WHERE WE HAVE COME. AND THIS IS AN EMOTIONAL ISSUE FOR MANY. THIS IS AN ISSUE, LIKE OTHERS THAT WE LOOK AT, THAT DOESN'T COME EASY. AND YET WE ARE THE ONES, THE 49 OF US, THAT WILL PUSH GREEN OR RED AT THE END OF THE DAY. I MENTIONED MY CONCERN ABOUT THE PROCESS OF HOW WE ARE HERE AND THE CONCERN ABOUT WHETHER THE PARTICULAR BILL WE'RE LOOKING AT NOW IS A BILL THAT REALLY DID HAVE A PUBLIC HEARING. BUT THE PLAIN FACT IS, MANY OF US HAVE MADE UP OUR MIND AND WILL NOT BE SWAYED BY A LOT OF DIFFERENCES. AND EVEN THOUGH SENATOR COASH HAS ASKED US TO MAYBE STEER AWAY FROM THE TECHNICAL ASPECTS, THERE ARE TECHNICAL ASPECTS THAT ARE REALLY CONCERNING THAT WE MUST ANSWER BEFORE WE JUMP OFF THE EDGE HERE. THE CURRENT BILL THAT WE ARE LOOKING AT IS DESIGNED AFTER MINNESOTA. MINNESOTA PASSED THEIR LEGISLATION ONE YEAR AGO RIGHT NOW, AND THEY HAVEN'T STARTED THE DISPENSING PROCESS. THAT WON'T HAPPEN UNTIL JULY OF THIS 2015. SO EVEN THOUGH THEY HAVE PASSED THE BILL WE CAN'T QUITE LOOK AT THEM YET TO SEE WHAT THEIR EXPERIENCE IS WITH THE BILL. BUT WE ALREADY KNOW THAT THEY ARE BACK IN THEIR LEGISLATURE ASKING FOR CHANGES, CHANGES ALONG WHAT CAN BE PRESCRIBED AS A USE FOR MARIJUANA. ONE OF THE BILLS THAT THEY ARE LOOKING AT IS TO PRESCRIBE MARIJUANA FOR GENERAL PAIN. AND I AM PROUD OF THE FACT FROM SENATOR GARRETT'S STANDPOINT THAT THE CURRENT BILL DOESN'T HAVE THE ABILITY TO PRESCRIBE IT FOR JUST GENERAL PAIN. AND WHERE WE STARTED WITH LB643 ORIGINALLY, IT HAD AN ASPECT LIKE THAT THAT I THINK WAS QUITE WORRISOME, AT LEAST TO ME. BUT WE ALSO HAVE THE SITUATION OF WHAT DO WE EXPECT OF OUR DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE ABILITY OF THEM TO WORK UNDER THE CONCEPT OF LB643. LB643 PLACES SIGNIFICANT RESPONSIBILITIES ON DHHS. THEY'RE REQUIRED TO VERIFY PATIENTS WHO ARE ELIGIBLE TO USE MEDICAL MARIJUANA AND RECOMMEND DOSAGES AND PROVIDE OVERSIGHT OF THE GROWERS AND DISPENSARIES, OVERSEE TESTING OF THE PRODUCTS, AND A NUMBER OF OTHER IMPORTANT FUNCTIONS TO MAKE THIS BILL WORK, ALL ON TOP OF THE FACT THAT THEY HAVE NEW PEOPLE AND OTHER PROBLEMS THAT THEY ARE TRYING TO SOLVE. WE'RE NOT ANSWERING THE QUESTION OF WHAT THE COST. IT WAS ESTIMATED IN MINNESOTA THE IMPLEMENTATION COST WAS GOING TO BE ABOUT \$3 MILLION. WE DON'T KNOW WHAT THAT COST WILL BE HERE. WE DON'T KNOW WHAT LIABILITIES ON TOP OF THE AMOUNT OF WORK WILL BE TRANSFERRED TO DHHS. I THINK THERE ARE A NUMBER OF THINGS

Floor Debate
May 07, 2015

THAT WE HAVE TO CONTINUE TO ANALYZE. BUT I WOULD ASK YOU, EACH ONE OF YOU, JUST LIKE SENATOR COASH ASKED, THINK ABOUT THIS OVER THESE NEXT DAYS BEFORE WE COME BACK... [LB643]

SENATOR SCHEER: ONE MINUTE. [LB643]

SENATOR WILLIAMS: ...THINK ABOUT THE ANSWERS THAT YOU WILL GIVE TO PEOPLE. THE ANSWER THAT HAS BEEN MOST DIFFICULT FOR ME WHEN DEALING WITH THE MOM IN MY OFFICE IS TELLING HER THAT PUBLIC POLICY, AS I MENTIONED EARLIER, IS FOR A LARGE GROUP OF PEOPLE. AND YET I WOULD BE, PERSONALLY, DOING THE SAME THING THAT THEY ARE DOING. ALL OF US TAKE OUR RESPONSIBILITY VERY SERIOUSLY BEING HERE. AND AS SENATOR KINTNER MENTIONED WITH NATIONAL DAY OF PRAYER, WHAT A TIME TO HAVE THAT HAPPEN, WHAT A TIME FOR EACH ONE OF US TO USE THIS OPPORTUNITY TO MAKE UP OUR MINDS. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR SCHEER: THANK YOU, SENATOR WILLIAMS. SENATOR HAAR, KEN HAAR. [LB643]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I DO BELIEVE THAT AS DR. SANJAY GUPTA SAID, THERE'S A REVOLUTION UNDERWAY. AND YOU ASK MOST YOUNG PEOPLE, FOR EXAMPLE, ABOUT THE USE OF MEDICAL MARIJUANA, AND IT'S A NO-BRAINER FOR THEM. I HAVE A PAPER I PASSED OUT, AND I'M GOING TO GO THROUGH THAT BECAUSE WHEN THERE ARE REVOLUTIONS AND CULTURAL CHANGE UNDERWAY, I THINK WE OFTEN NEED TO LOOK AT WHAT'S HOLDING IT BACK. THE BENEFITS OF MEDICAL MARIJUANA, YOU KNOW, AND I'VE BEEN READING THE TESTIMONY OF THE HEARING, ARE JUST UNDENIABLE. BUT THERE ARE REALLY STRONG FORCES HOLDING IT BACK. SO I'D LIKE TO GO THROUGH THIS. PROTECTION OF CORPORATE PROFITS. THE FIGHT AGAINST LEGAL MARIJUANA IS LARGELY ABOUT BIG MONEY, NOT PUBLIC HEALTH. THIS IS MY OPINION. WHEN IT COMES TO MEDICAL MARIJUANA, PHARMACEUTICAL COMPANIES LONG HAVE FELT THREATENED AND THEY ARE AMONG THE BIGGEST PLAYERS IN THE ANTIMARIJUANA LEGALIZATION MOVEMENT. THEY HELP FUND LOBBY GROUPS THAT CHALLENGE REFORM. AMONG THE LARGEST DONORS TO PARTNERSHIP FOR DRUG-FREE KIDS IS PURDUE PHARMA, A MAKER OF THE PAINKILLERS OXYCONTIN AND HYDROCODONE. ANOTHER IS ABBOTT LABORATORIES WHICH PRODUCES THE OPIOID VICODIN. COMMUNITY ANTI-DRUG COALITIONS OF AMERICA ALSO RECEIVES DONATIONS FROM PURDUE PHARMA, JANSSEN PHARMACEUTICAL, A

Floor Debate
May 07, 2015

SUBSIDIARY OF JOHNSON AND JOHNSON, THAT MANUFACTURES THE PAINKILLER--I DON'T EVEN KNOW HOW TO PRONOUNCE THIS--NUCYNTA, N-U-C-Y-N-T-A. I NOTE THAT FROM 1996 TO 2013, PURDUE PHARMA EARNED MORE THAN \$27 BILLION IN SALES FROM PAINKILLERS. THAT WOULD NOT BE POSSIBLE WITH CANNABIS. THEIR REASON FOR OPPOSING MARIJUANA, MEDICAL USE OF MARIJUANA REFORM IS SIMPLE. LEGALIZATION HURTS THEIR BOTTOM LINES. PART OF THE MISSION OF GROUPS FUNDED BY THE PHARMACEUTICAL COMPANIES IS TO LOBBY CONGRESS TO MAINTAIN MARIJUANA'S CLASSIFICATION AS A SCHEDULE I DRUG, MEANING THE U.S. GOVERNMENT CONSIDERS THE DRUG AS HAVING A HIGH POTENTIAL FOR ABUSE, HAS NO MEDICAL USE, AND POSES THREATS TO PUBLIC SAFETY--NEVER MIND THAT MORE THAN 22,000 PEOPLE DIE EVERY YEAR IN THE U.S. FROM OVERDOSES INVOLVING PHARMACEUTICAL DRUGS ACCORDING TO THE CENTER FOR DISEASE CONTROL AND PREVENTION. THREE OUT OF EVERY FOUR PHARMACEUTICAL OVERDOSE DEATHS INVOLVE PAINKILLERS, MORE THAN HEROIN AND COCAINE COMBINED. FOLLOW THE MONEY. STATES THAT HAVE LEGALIZED USE OF MEDICAL MARIJUANA TO MANAGE CHRONIC PAIN AND OTHER CONDITIONS HAVE A 25 PERCENT LOWER RATE OF DEATHS FROM DRUGS LIKE VICODIN, OXYCONTIN, AND PERCOCET THAN STATES WHERE MEDICAL MARIJUANA IS ILLEGAL. THESE ARE THE FINDINGS OF A STUDY BY RESEARCHERS AT JOHNS HOPKINS SCHOOL OF PUBLIC HEALTH AND THE PHILADELPHIA VETERANS AFFAIRS MEDICAL CENTER. FOLLOW THE MONEY. DOCTORS WHO PRESCRIBE MARIJUANA DO IT IN ORDER TO HELP PATIENTS MANAGE PAIN AND DISCOMFORT FROM CONDITIONS SUCH AS CANCER AND MULTIPLE SCLEROSIS BECAUSE THEY SAY THE DRUG IS LESS ADDICTIVE THAN PRESCRIPTION PAINKILLERS, THUS IT IS SAFER. OTHER STUDIES, SUCH AS A ROQUES REPORT COMMISSIONED BY THE FRENCH MINISTRY OF HEALTH, FOUND MARIJUANA IS CONSIDERABLY SAFER... [LB643]

SENATOR SCHEER: ONE MINUTE. [LB643]

SENATOR HAAR: ...THAN OPIATES. THANK YOU. THE REPORT, PUBLISHED IN 1998, COMPARED THE RISK OF VARIOUS DRUGS INCLUDING CANNABIS AND OPIATES IN CATEGORIES SUCH AS PHYSICAL AND PSYCHOLOGICAL DEPENDENCY, OVERALL TOXICITY, AND SOCIAL HAZARDS. ACROSS THE BOARD, CANNABIS WAS FOUND TO BE FAR LESS HARMFUL. SO I WANT YOU TO...THIS IS A WELL-RESEARCHED ARTICLE BY MY AA. I WANT TO THANK HER FOR THAT. FOLLOW THE MONEY. THE OPPOSITION TO THIS IS COMING FROM BIG PHARMA BECAUSE THEY WILL LOSE A LARGE PART OF THEIR PROFITS IF MEDICAL MARIJUANA BECOMES LEGAL ACROSS THE BOARD. THANK YOU VERY MUCH. [LB643]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
May 07, 2015

SENATOR SCHEER: THANK YOU, SENATOR HAAR. (VISITORS INTRODUCED.) MR. CLERK, ANYTHING FOR THE RECORD? [LB643]

ASSISTANT CLERK: MR. PRESIDENT, I DO, THANK YOU. A COMMUNICATION FROM THE GOVERNOR. (READ RE LB610 AND LB610A.) IN ADDITION TO THAT, A REPORT FROM THE EXECUTIVE BOARD PLACING LR31CA ON GENERAL FILE. (LEGISLATIVE JOURNAL PAGES 1508-1509.) [LB610 LB610A LR31CA]

FINALLY, MR. PRESIDENT, A PRIORITY MOTION. SENATOR BAKER WOULD MOVE TO ADJOURN UNTIL TUESDAY, MAY 12, 2015, 10:00 AM.

SENATOR SCHEER: YOU'VE HEARD THE MOTION FOR ADJOURNMENT. ALL THOSE IN FAVOR SAY AYE. ANY OPPOSED, NAY. WE ARE ADJOURNED.